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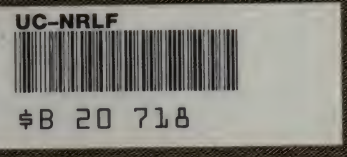

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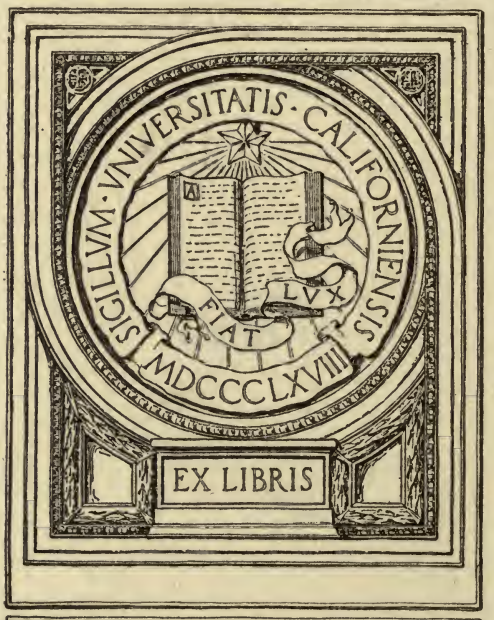

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TABLE OF CONTENTS

CONSTITUTIONAL PROVISIONS

ARTICLE IV

Sec.		Page
5	Oath of office	3
6	Removal from office	3
8	Legislature to prescribe terms of office	3

ARTICLE VIII

27	Districts	3

ARTICLE IX

4	County officers subject to indictment	3

ARTICLE X

2	Capitation tax	4
5	Power of legislature to levy	4
7	County taxes not to exceed what—debt	4
8	Bonded Indebtedness	4

ARTICLE XII

1	Legislature to provide system of free schools	5
2	General Supervision	5
3	County superintendents	5
4	School fund—board of	5
	school fund amendment	6
5	Legislature to provide for free schools	6
6	Districts	6
7	Levies to be reported to clerk of county court	6
8	White and colored pupils	6
9	School officers not to be interested in sale of books	6
10	Independent districts	6
11	Normal schools	6
12	Legislature to encourage improvement	6
	Errata	7

THE SCHOOL LAW OF WEST VIRGINIA

Chapter 45 of Code

1	Definitions—school—district—teacher	9
2	School year	9
3	School districts	9

State Board of Education

4	How constituted—vacancies—how filled	9
5	Meetings, salary, expenses	10
6	Organization	11
7	Powers and Duties	11
8	Training of Teachers	11
9	Shall prescribe minimum standards for courses of study	12
10	Plans for school buildings shall be approved	12
11	Shall adopt text-books	12
12	Gifts and bribes	14

Sec.		Page
13	Shall make rules governing purchase, distribution, and care of text-books	14
14	Shall make rules	14
15	Shall exercise other authority	15
16	Boards abolished	15
	The State Superintendent of Schools	
17	Election, qualifications, salary	15
	General Powers and Duties	
18	Shall provide seal	15
19	Shall have general supervision of schools	15
20	Shall institute proceedings	16
21	May hold conference	16
22	Shall give interpretation	16
23	State manuals and other publications	16
24	Shall make a biennial report	16
25	Shall employ assistants	17
26	Other powers and duties	17
	The County Superintendent of Schools	
31	Election, qualification, oath, bond	17
32	Vacancy—how filled	18
33	Compensation	18
34	How payments shall be made	18
	General Powers and Duties	
35	Shall be chief executive officer	19
36	Shall visit schools	19
37	May hold conference	19
38	Shall be county financial secretary	19
39	Shall make annual report	20
40	Shall exercise other authority	20
	District Board of Education	
41	How constituted—election—term	21
42	Tie in the vote	21
43	Vocancy—how filled	21
44	Oath of office	21
45	Meetings, quorum, compensation	21
	General Powers and Duties	
46	The district board a corporation	22
47	School land	22
48	School property may be sold	22
49	Shall provide school sites	23
50	Shall provide buildings, furniture, and equipment	23
51	May provide buildings jointly	24
52	Bond required from contractors	24
53	May appoint trustees	24
54	Minimum school term—board may extend same	25
55	Minimum salaries for teachers—board may increase	25
56	May appoint district supervisor	26
57	Shall appoint teachers	27
58	Shall have general control	28
59	Transfer of pupils—tuition	28
60	May provide kindergartens	29
61	Evening schools and other school extension activities	29
62	Shall provide school libraries	29
63	May display United States flag	30
64	Medical inspection and school nurses	30

Sec.		Page
65	Free text-books	30
66	May establish teachers' retirement fund	31
67	Shall provide schools for colored pupils	31
68	Other duties	31
	Secretary	
69	Secretary of district board of education—general duties	31
70	Abstract of proceeding	32
71	Administer oaths	32
72	Assessor's certificate	32
73	Report rate of levy	32
74	Penalty	32
75	Report	32
76	Salaries of secretaries	33
77	Other duties	33
	District and County High Schools	
78	District high schools—how established	33
79	Joint district high schools	33
80	Normal training in high schools—state aid	34
81	Payment of High school tuition	35
82	Classification of high schools—state aid	35
83	District and county boards may erect dormitories for high schools	36
84	High school may be discontinued	36
85	Junior high schools	36
	Teachers	
86	Contracts	36
87	Teacher's authority	37
88	Teachers exempt from serving on juries	37
89	Records and reports	37
90	Payment of teachers	37
91	Enumeration	38
92	How enumeration shall be taken and reported	38
93	Secretary to have enumeration taken	38
94	Record and report of enumeration	38
95	Other duties	38
	Examinations and Certificate	
96	Certificates required of all teachers—minimum age	38
97	Time and place of holding examinations	39
98	Expenses	39
99	Assistants	39
100	Fees	39
101	Transmitting questions and manuscripts	39
102	Grading of Manuscripts	40
103	Misdemeanor	40
104	Elementary certificates	40
105	High school certificates	41
106	Supervisor's certificates	42
107	Short-course certificate	42
108	Special certificates	42
109	Emergency certificates	42
110	Credit for grades made in school	43
111	Renewal of Certificates	43
112	Revocation of certificates	44
	Teachers' Institutes—Coupons of Credit	
113	Time and place of holding teachers' institutes	44
114	Attendance upon institutes	44

Sec.		Page
6	Moneys and funds	80
7	Same: How expended	80
8	Clerical assistants—reports of institutions	80
9	Powers and duties	81
10	Appointment of heads of certain institutions	81
11	Rules and regulations	82
12	Shall purchase supplies	82
13	Buildings for institutions	83
14	Records of institutions	84
15	Report to governor	84
16	Gifts and devises	84
17	Insurance on buildings	85
18	Same: Limitations—appropriations for re-building	85

PUBLIC LIBRARIES

1	Definitions	85
2	Levy—upon vote of people	85
3	Appointment of board	86
4	Powers of board of directors	86
5	Use of library	87
6	Report of library board	87
7	Gifts, devises or bequests	87
8	Penalties for injury to property	87
9	Penalty for failure to return books	87

ABOLISHING THE COMMON DRINKING CUP

1	Use of common drinking cups	87

PROHIBITING THE USE OF CIGARETTES IN SCHOOL HOUSES AND ON SCHOOL GROUNDS

2 & 4	Use of cigarettes prohibited	88

STATE DEPARTMENT OF HEALTH

1-(2)	Commissioner of health—powers and duties	88
4	Inspectors and examiners—powers and duties	88
2	Public health council	89
4	Control of tuberculosis sanitarium	89

STATE COMPENSATION ACT

	General provision for	89-90

CHILD LABOR LAW

1	Children under fourteen not to be employed	91
2	Children under sixteen not to be employed in dangerous occupations	91
3	Work permits and proof of prospective employment, age, schooling, and physical fitness required	91-92
4	Work permits	93
5	Age certificates	93
6	Maximum number hours children may be required to work	94
7	Enforcement of the Child Labor law	94
8	Penalties	94
9	Inconsistent acts repealed	94

APPENDIX

	School Calendar	97
	Forms and Instructions	98-102
	Index	103

West Va. Laws, Statutes etc

THE SCHOOL LAW

OF

WEST VIRGINIA

Containing the provisions of the Constitution relating to Public Education, Chapter forty-five of the Code and other Acts and parts of Acts relating to Public Education.

Published for the use of School Officers, Teachers and the public generally, in compliance with Section twenty-three of Chapter forty-five of the Code.

Compiled and Issued by

THE DEPARTMENT OF SCHOOLS

M. P. SHAWKEY, State Superintendent

CHARLESTON

MARCH 1919.

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CONSTITUTIONAL PROVISIONS

RELATING TO THE

SCHOOL SYTSEM OF WEST VIRGINIA

ARTICLE IV

* * * * * * *

5. **Oath of Office.** Every person elected or appointed to any office, before proceeding to exercise the authority, or discharge the duties thereof, shall make oath or affirmation that he will support the Constitution of the United States and the Constitution of this State, and that he will faithfully discharge the duties of his said office to the best of his skill and judgment; and no other oath, declaration, or test shall be required as a qualification, unless herein otherwise provided.

6. **Removal from Office.** All officers elected or appointed under this Constitution, may, unless in cases herein otherwise provided for, be removed from office for official misconduct, incompetence, neglect of duty, or gross immorality, in such manner as may be prescribed by general laws, and unless so removed they shall continue to discharge the duties of their respective offices until their successors are elected, or appointed and qualified.

* * * * * * * *

8. **Legislature to Prescribe Terms of Office.** The Legislature, in cases not provided for in this Constitution, shall prescribe, by general laws, the terms of office, powers, duties and compensation of all public officers and agents, and the manner in which they shall be elected, appointed and removed.

ARTICLE VIII.

27. **Districts.** Each county shall be laid off into districts, not less than three nor more than ten in number, and as nearly equal as may be in territory and population. * * *

ARTICLE IX.

* * * * * * * *

4. **County Officers Subject to Indictment.** The Presidents of the County Courts, the Justices of the Peace, Sheriffs, Prosecuting Attorneys,

Clerks of the Circuit and of the County Courts, and all other county officers, shall be subject to indictment for malfeasance, misfeasance, or neglect of official duty, and on conviction thereof, their offices shall become vacant.

I am inclined to the opinion that the words "all other county officers," as used in this section include members of boards of education, although they are elected in districts. This is by no means clear, however. This section is in force *ex proprio vigore* and needs no additional legislation.—*Alfred Caldwell, Attorney-General.*

ARTICLE X

* * * * * * * *

2. **Capitation Tax.** The Legislature shall levy an annual capitation tax of one dollar upon each male inhabitant of the State who has attained the age of twenty-one years, which shall be annually appropriated to the support of Free Schools. Persons afflicted with bodily infirmity may be exempted from this tax.

* * * * * * * *

5. **Power of Legislature to Levy.** The power of taxation of the Legislature shall extend to provisions for the payment of the State debt, and interest thereon, the support of free schools, and the payment of the annual estimated expenses of the State; but whenever any deficiency in the revenue shall exist in any year, it shall, at the regular session thereof held next after the deficiency occurs, levy a tax for the ensuing year, sufficient with the other sources of income, to meet such deficiency, as well as the estimated expenses of such year.

* * * * * * * *

7. **County Taxes Not to Exceed What—Debt.** County authorities shall never assess taxes, in any one year, the aggregate of which shall exceed ninety-five cents per hundred dollars valuation, except for the support of free schools; payment of indebtedness existing at the time of the adoption of this Constitution; and for the payment of any indebtedness with the interest thereon, created under the succeeding section, unless such assessment, with all questions involving the increase of such aggregate, shall have been submitted to the vote of the people of the county, and have received three-fifths of all the votes cast for and against it.

See Brannon vs. County Court, 33 W. Va., p. 789, construing this section.

8. **Bonded Indebtedness.** No county, city, school district, or municipal corporation, except in cases where such corporations have already authorized their bonds to be issued, shall hereafter be allowed to become indebted, in any manner, or for any purpose, to an amount, including existing indebtedness in the aggregate, exceeding five per centum on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness; nor without, at the same time providing for the collection of a direct annual tax, sufficient to pay, annually, the interest on such debt, and the principal thereof, within and not exceeding thirty-four years; **provided**, that no debt shall be contracted under this section,

unless all questions connected with the same, shall have been first submitted to a vote of the people, and received three-fifths of all the votes cast for and against the same.

ARTICLE XII.

1. **Legislature to Provide System of Free Schools.** The Legislature shall provide by general law, for a thorough and efficient system of Free Schools.

See 4 W. Va., p. 499.

2. **General Supervision.** The State Superintendent of Free Schools shall have a general supervision of free schools, and perform such other duties in relation thereto as may be prescribed by law. If in the performance of any such duty imposed upon him by the Legislature he shall incur any expenses, he shall be reimbursed therefor; **provided,** the amount does not exceed five hundred dollars in any one year.

3. **County Superintendents.** The Legislature may provide for county superintendents and such other officers as may be necessary to carry out the objects of this Article and define their duties, powers and compensation.

4. **School Fund—Board of.** The existing permanent and invested school fund, and all money accruing to this State from forfeited, delinquent, waste and unappropriated lands; and from lands heretofore sold for taxes and purchased by the State of Virginia, if hereafter redeemed or sold to others than this state; all grants, devises or bequests that may be made to this State, for the purposes of education or where the purposes of such grants, devises or bequests are not specified; this State's just share of the literary fund of Virginia, whether paid over or otherwise liquidated; and any sums of money, stocks or property, which this State shall have the right to claim from the State of Virginia for educational purposes; the proceeds of the estates of persons who may die without leaving a will or heir, and of all escheated lands; the proceeds of any taxes that may be levied on the revenues of any corporation; all moneys that may be paid as an equivalent for exemption from military duty; and such sums as may from time to time be appropriated by the Legislature for the purpose, shall be set apart as a separate fund, to be called the "School Fund," and invested under such regulations as may be prescribed by law, in the interest bearing securities of the United States, or of this State, or if such interest bearing securities cannot be obtained, then said "School Fund" shall be invested in such other solvent, interest bearing securities as shall be approved by the Governor, Superintendent of Free Schools, Auditor and Treasurer, who are hereby constituted the "Board of the School Fund," to manage the same under such regulations as may be prescribed by law; and the interest thereof shall be annually applied to the support of free schools throughout the State, and to no other purpose whatever. But any portion of said interest remaining unexpended at the close of the fiscal year shall be added to and remain a part of the capital of the "School Fund;" **provided,** that all taxes which shall be received by the State upon delinquent lands, except the taxes due to the State thereon, shall be refunded to the county, or district by or for which the same were levied.

School Fund Amendment. The accumulation of the School Fund provided for in section four of article twelve, of the Constitution of this State, shall cease upon the adoption of this amendment, and all money to the credit of said fund over one million of dollars, together with the interest on said fund, shall be used for the support of the free schools of this State. All money and taxes heretofore payable into the treasury under the provision of the said section four, to the credit of the School Fund, shall be hereafter paid into the treasury to the credit of the General School Fund for the support of the free schools of the State.

5. **Legislature to Provide for Free Schools.** The Legislature shall provide for the support of free schools, by appropriating thereto the interest of the invested "School Fund," the net proceeds of all forfeitures and fines accruing to this State under the laws thereof; the State capitation tax; and by general taxation of persons and property, or otherwise. It shall also provide for raising, in each county or district, by the authority of the people thereof, such a proportion of the amount required for the support of free schools therein as shall be prescribed by general laws.

6. **Districts.** The school districts into which any county is now divided shall continue until changed in pursuance of law.

7. **Levies to be Reported to Clerk of County Court.** All levies that may be laid by any county or district for the purpose of free schools shall be reported to the Clerk of the County Court, and shall, under such regulations as may be prescribed by law, be collected by the sheriff, or other collector, who shall make annual settlement with the county court, which settlements shall be made a matter of record by the clerk thereof, in a book to be kept for that purpose.

8. **White and Colored Pupils.** White and colored persons shall not be taughts in the same school.

9. **School Officers not to be Interested in Sale of Books.** No person connected with the free school system of the State, or with any educational institution of any name or grade under State control, shall be interested in the sale, proceeds or profits of any book or other thing used, or to be used therein, under such penalties as may be prescribed by law: **Provided,** that nothing herein shall be construed to apply to any work written, or thing invented, by such person.

10. **Independent Districts.** No independent free school district, or organization shall hereafter be created, except with the consent of the school district or districts out of which the same is to be created, expressed by a majority of the voters voting on the question.

11. **Normal Schools.** No appropriation shall hereafter be made to any State normal school, or branch thereof, except to those already established and in operation, or now chartered.

12. **Legislature to Encourage Improvements.** The Legislature shall foster and encourage moral, intellectual, scientific, and agricultural improvement; it shall, whenever it may be practicable, make suitable provision for the blind, mute and insane, and for the organization of such institutions of learning as the best interests of general education in the State may demand.

ERRATA

Section 50, line 35. The word "fifty" should read "forty-nine."

Section 57, line 5. The word "fifty-six" should read "fifty-five."

Section 67, line 9. The word "fifty-nine" should read "fifty-one."

Section 74, line 4. The word "seventy-four" should read "seventy-two."

Section 78, line 15. The word "eighty-seven" should read "eighty-four."

Section 79, line 11. The word "eighty-seven" should read "eighty-four;" and the same in lines 31-32.

Section 86, line 11. The word "fifty-eight" should read "fifty-seven."

Section 128, line 11. The word "twenty-five" should read "twenty-two."

Section 162, line 4. The word "sixty-three" should read "sixty."

Section 163, line 4. The word "sixty-three" should read "sixty."

Section 168, lines 6, 7, and 12, the word "sixty-three" in each case should read "sixty."

Section 186, lines 10 and 11. The word "ninety-three" should read "ninety."

Section 189, line 20. The word "ninety-three" should read "ninety."

Section 191, line 3. The word "ninety" should read "eighty-seven;" line 6, the word "ninety-two" should read "eighty-nine;" line 7-a, the word "ninety-three" should read "ninety."

Section 193, line 2. The word "ninety" should read "eighty-seven;" line 10, the word "ninety-five" should read "ninety-two."

The School Law of West Virginia

(Chapter XLV of the Code of West Virginia, Being Chapter Two of the Acts of Nineteen hundred nineteen, Regular Session)

Section 1. **Definitions.** The words used in this chapter and by-laws and in any proceedings pursuant thereto, shall, unless the context clearly indicates a different meaning, be construed as follows:

(1) "School" shall mean the pupils and teacher or teachers assembled in one room.

(2) "District" shall mean magisterial school district and shall not include any independent school district heretofore established by special act or acts of the Legislature.

(3) "Teacher" shall mean teacher, supervisor, principal, superintendent, public school librarian, or any other person regularly employed for instructional purposes in a public school of this State.

Sec. 2. **School Year.** The school year shall begin on the first day of July and end on the thirtieth day of June, and all reports, accounts and settlements respecting the free schools shall be made with reference to the school year.

Sec. 3. **School Districts.** Every magisterial district in each of the counties of the State shall be a school district, which shall be divided into such number of sub-districts as may be necessary for the convenience of the free schools therein. The present districts and sub-districts shall remain until changed in the manner prescribed by law.

STATE BOARD OF EDUCATION

Sec. 4. **How Constituted—Vacancies—How Filled.** There is hereby created a State Board of Education which shall be a corporation and as such may contract and be contracted with, plead and be impleaded, sue and be sued, and have and use a common seal.

Said board shall consist of seven members of whom one shall be the state superintendent of schools, **ex-officio**, and the other six members shall be appointed by the governor, as herein provided from the two dominant political parties. On or before the first day of May, one thousand nine hundred and nineteen, the governor shall, by and with the consent of the senate, appoint six members of the board for the following terms, to commence on the first day of July next after their appointment: One for one year, one for two years, one

for three years, one for four years, one for five years, and one for six years. Thereafter one member of the board shall be appointed by the governor on or before the first day of May in every year for a term of six years.

The members of the state board of education shall be citizens of the State, but not fewer than three appointive members shall be actively engaged in school work, nor shall more than three appointive members be of the same political party. No appointee of the board shall serve on the board, unless such appointment is to fill a vacancy by the board as provided by the next following paragraph of this section. The governor may remove from office any member of the state board of education for incompetency, wilful neglect of duty, immorality, malfeasance in office, or for any other good and sufficient reason.

Vacancies on the board shall be filled by the governor for the unexpired term, but if within sixty days after a vacancy has occurred the governor has not filled such vacancy, or if within sixty days after the term of a member of the board has expired, the governor has not appointed a successor to such member, then in either such event the board itself may fill such vacancy or elect such successor. Before exercising any authority or performing any duties as a member of the state board of education each member thereof shall qualify as such by taking and subscribing to the oath of office prescribed by section five, article four of the State Constitution, the certificate whereof shall be filed with the records of the board. A suitable office or offices in the state department of schools at Charleston shall be provided for the use of the state board of education.

Sec. 5. **Meetings, Salary, Expenses.** The state board of education shall meet in Charleston on the first day of July, one thousand nine hundred and nineteen, and thereafter the board shall hold at least six meetings in every year at such times and places as its by-laws may prescribe. The board may meet at other times as often as may be necessary. Such other meetings shall be by resolution of the board when in session, or at the call of the president of the board or of the state superintendent of schools.

Each appointive member of the state board of education shall be entitled to receive from the general school fund, upon warrants drawn by the state superintendent of schools, the sum of one thousand dollars a year as salary, payable quarterly, and every member of the board shall be reimbursed from said fund for any expenses incident to the performance of his duties, upon presentation of an itemized sworn statement of the same. There is hereby created an advisory council to the state board of education to assist said board in formulating and carrying out policies with respect to the education of the colored youth of the State. Said council shall consist of the state supervisor of colored schools, herein provided, and two citizens of the Negro race to be appointed by the governor on or before the first day of May, one thousand nine hundred and nineteen, by and with the consent of the Senate for the following terms to commence on the first day of July next after their appointment; one for two years and one for four years, and thereafter one member of said council shall be appointed by the governor on or before the first day of May in every second year for a term of four years. Vacancies in said council shall be filled by the governor for the unexpired term.

The two appointive members of said advisory council shall be entitled to receive from the general school fund, upon warrants drawn by the state superintendent of schools, the sum of one thousand dollars a year as salary, payable

quarterly, and each of said appointive members shall be reimbursed from said fund for any necessary expenses incident to the performance of his duties, upon presentation of itemized sworn statement of same. The said advisory council shall have charge of all matters with reference to colored schools, subject to the approval of the state board of education.

Sec. 6. **Organization.** At its first meeting to be held on the first day of July, one thousand nine hundred and nineteen, and at its first regular meeting in every year thereafter, the state board of education shall elect one of its members as president and one as vice-president of the board. The state superintendent of schools shall be the chief executive officer of the state board of education. Said board shall appoint a secretary and fix his salary, which shall not exceed one thousand eight hundred dollars ($1,800) per year, the same to be paid out of the general school fund upon warrants drawn by the state superintendent of schools.

Sec. 7. **Powers and Duties.** On and after the first day of July, one thousand nine hundred and nineteen, the state board of education created in section four of this act shall have the general control and management of the educational affairs of the West Virginia university, the state normal schools, the West Virginia trades school, the West Virginia vocational school, the West Virginia collegiate institute, the Bluefield colored institute, the West Virginia schools for the deaf and the blind, and of any other State educational institution which may hereafter be created by law; and the statutory provisions applicable to the government and maintenance of the schools or institutions named in this section shall continue in full force except as may be provided otherwise by this act or by succeeding acts of the Legislature. Said board shall exercise such authority and perform such duties as may have been delegated heretofore to the state board of regents, to the state board of education as now constituted, to the state school book commission, and to the state vocational board, subject however to the provisions of this act and of succeeding acts of the Legislature. The state board of education shall employ the president or principal and the professors, teachers and other employees of each of the institutions named in this section, and shall fix the yearly or monthly salary to be paid to each person so employed, to be approved by state board of control according to law.

Sec. 8. **Training of Teachers.** The training of teachers in the State shall be under the general direction and control of the state board of education, which shall through the state superintendents of schools, exercise supervisory control over the state normal schools and such other institutions named in section seven of this act as may be charged with the duty of training teachers, and over normal training high schools. Said board shall also exercise supervisory control over the teacher training departments of all private or denominational schools which offer courses for the training of teachers, or which maintain classes or departments therefor.

The state board of education shall make rules and regulations for the classification and standardization of all schools in the State, and shall determine the minimum standards for the conferring of degrees and the granting of diplomas. No institution may grant any diploma or confer any degree on any basis of work or merit below the minimum standard prescribed by the state board of education.

Any institution doing work equal to the minimum standard shall be authorized to grant such diplomas or degrees as shall be appropriate to its class, such authorization to continue so long as the institution maintains the standards set. All educational institutions whose degrees or diplomas were for the school year ending in June, one thousand nine hundred and eighteen, recognized by the state board of education in the granting of teachers' certificates or otherwise, shall be rated as approved institutions and shall continue to hold that distinction so long as they measure up to the minimum standard for institutions of their respective classes.

It is further provided, however, that nothing contained herein shall infringe upon the rights granted to any such institution by charter given according to law previous to the passage of this act. It is **provided further,** that hereafter no charter or other instrument containing the right to confer degrees or to issue diplomas can be granted by the State of West Virginia, to any institution, or other association or organization, either within or without the State, until the condition of conferring such degrees or of issuing such diplomas have first been approved in writing by the state board of education.

Sec. 9. **Shall Prescribe Minimum Standards for Courses of Study.** The state board of education shall prescribe minimum standards of the courses of study to be offered in elementary schools, high schools, vocational schools, and in all other kinds, grades, and classes of schools, or departments thereof, which may now or hereafter be maintained in the State in whole or in part from any state fund or funds; **provided, however,** that the courses of study in the state educational institutions shall be prepared by the faculties, teachers, or other constituted authority thereof, and shall before going into effect be submitted to the state board of education for its approval.

It is provided that the basic language of instruction in the common school branches in all schools, public and private and parochial, shall be in the English language only.

Sec. 10. **Plans for School Buildings Shall Be Approved.** The state board of education shall have authority to require that the plans and specifications for any and all school buildings to be erected in school districts and in independent school districts having a population of less than five thousand (5,000) shall be submitted to said board or its agent for approval. It shall be the duty of the state board of education to see that all such plans and specifications comply with all the requirements of law relating to the erection of school buildings.

Sec. 11. **Shall Adopt Text-Books.** The state board of education shall adopt text-books for uniform and exclusive use in the public schools of the State, except as hereinafter provided, such adoptions to be made subject to the following restrictions and provisions:

(a) By written request or otherwise the state board of education shall ask various publishers of text-books in the United States to submit samples and prices of text-books on all subjects required to be taught in the schools of the State. All bids or proposals shall be under seal, and each bidder shall deposit in the state treasury such sum of money as said state board of education shall designate, such deposit to be not less than one thousand dollars ($1,000) nor more than three thousand dollars ($3,000); and said deposit shall be forfeited

to the general school fund, if such bidder shall fail or refuse to make and execute such contract and bond as are herein required in case of the acceptance of all or a part of his bid, and otherwise shall be returned to said bidders after contracts have been made.

(b) All bids shall be opened by the state board of education in executive session. After considering the subject matter, printing, binding, general suitableness and prices of books submitted, said board shall on or before the first Tuesday in May, one thousand nine hundred and twenty-two, and every fifth year thereafter adopt one book, or one series of books, and only one, for uniform and exclusive use in the free schools of this State, except in classified high schools and in towns and cities which have a population of thirty-five hundred or over. All bids submitted at such session shall be made a matter of public record by showing the same by separate items on the record book of the board. No book or books shall be changed at the expiration of any five-year contract except by the unanimous vote of the board. When selections and adoptions of books have been properly made, it shall be the duty of the state board of education to execute contracts therefor with the publishers thereof for a period of five years, beginning July first following, each publisher being required to enter into bond of not less than ten thousand dollars ($10,000) to be approved by the state board of public works. Such contracts shall be prepared by the attorney general in accordance with the terms and provisions of this act, and shall be executed in duplicate, one copy held by the contractors and one by the state superintendent of schools. Should any successful bidder fail to contract, or, if for any cause any book or books adopted cannot be secured, the state board shall proceed at once to the selection and adoption of other books in lieu thereof. The State of West Virginia shall not be liable in any sum on account of any contract made in pursuance of the provisions of this section. It is expressly provided, however, that nothing contained herein shall impair the contracts now in effect between the state school book commission abolished by section sixteen of this act and the publishers of uniform text-books now adopted and in use in the public schools of the State.

(c) If any publisher or contractor furnishes to this State any book of like binding, material and workmanship at a higher price than the price at which said publisher or contractor furnishes the same book to any other state, county, city or other school unit in the United States, like conditions prevailing, the state board of education shall require such publisher or contractor to make a like reduction of such price in this State, under penalty of cancellation of contract for any such book.

(d) It shall be the duty of the state board of education to fix the prices at which the various books adopted shall be sold to patrons, the excess of which above contract price shall represent the profit to the retailer; but in no case shall such profit exceed twenty per cent of the contract price. The state superintendent of free schools shall notify each county superintendent of the list of books adopted and the prices at which they are to be sold and any person selling such books at a higher price than that fixed by the state board of education shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than fifty dollars. The books furnished during the contract period shall be equal in all respects to the sample copies furnished the said board; and it shall be the duty of the state superintendent of free schools

to carefully preserve in his office as the standard of quality, sample copies of all books contracted for.

(e) It shall be the duty of each contractor at his own expense to place with responsible dealers, in no fewer than three magisterial districts in each county, at least two weeks before the beginning of school in any district in the county where such books are used, a sufficient number of books to supply the demand. He shall also arrange for the exchange of books at such places, allowing pupils or boards of education an exchange price as liberal as is granted on the same books to any other city, county, or state in the United States, like conditions prevailing. The exchange privilege shall extend through one entire school year, and the dealer making the exchange shall be allowed by the contractors ten per cent of the cash proceeds of same. Nothing in this act is to be construed as preventing the use of supplementary readers; **provided,** they do not displace the adopted readers, nor the use of more advanced books in such schools as may be ready for the same.

Sec. 12. **Gifts and Bribes.** Any member of the state board of education who shall receive, solicit or accept any gift, present or thing of value to influence him in his vote for the adoption of books, or any person who shall either directly or indirectly give or offer to give any such gift, present or thing of value to any member of said state board of education to influence him in voting for the adoption of books shall be guilty of a felony, and upon conviction thereof shall be punished by confinement in the penitentiary of this state not less than one year nor more than three years.

Sec. 13. **Shall Make Rules Governing Purchase, Distribution and Care of Text-Books.** The state board of education shall make rules governing the purchase, distribution, use, and care of all free text-books used in the public schools of this State.

Sec. 14. **Shall Make Rules.** Subject to and in conformity with the state constitution and the laws of the State, the state board of education shall determine the educational policies of the State and shall make rules for carrying into effect the laws and policies of the State relating to education, including rules relating to the physical welfare of pupils, the education of feeble-minded and physically disabled or crippled children of school age, retirement fund for teachers, school attendance, evening and continuation or part-time day schools, school extension work, the classification of schools, the issuing of certificates upon credentials, the purchase, distribution and care of free text-books by the district board of education, the general powers and duties of county and district boards of education, and of school trustees, teachers, principals, supervisors, and superintendents and such other matters pertaining to the public schools in the St as may seem to the board to be necessary and expedient.

The state board of education is hereby authorized and empowered to accept for the State of West Virginia any appropriations of money for the removal of illiteracy, the teaching of immigrants, and other educational purposes that may hereafter be made out of the federal treasury by any act or acts of congress, and shall be constituted the chief state educational authority for the expenditure and administration of any such funds. Said board shall have authority to make rules and regulations for the expenditure of such funds, such expenditure to be in accordance with the terms of the acts of congress making such appropriations.

The treasurer of the State is hereby designated as custodian for all funds received as apportionments under the provisions of any such act or acts of congress.

Sec. 15. **Shall Exercise Other Authority.** The state board of education shall exercise such other authority and perform such other duties as may be delegated to it by this act and by succeeding acts of the Legislature.

Sec. 16. **Boards Abolished.** The state board of regents, the state board of education, the state school book commission, and the state vocational board as now respectively constituted by law are hereby abolished, effective at midnight of the thirtieth day of June, one thousand nine hundred and nineteen.

THE STATE SUPERINTENDENT OF SCHOOLS

Sec. 17. **Election, Qualifications, Salary.** There shall be elected by the qualified voters of the State a state superintendent of schools, whose term of office shall be the same as that of the governor. He shall be a person of good moral character, of recognized ability as a school administrator, with academic and professional training equivalent to graduation from a standard university or college, and shall have had not less than five years of experience in public school work. He shall receive an annual salary of five thousand dollars ($5,000), to be paid monthly out of the state fund upon warrants of the state auditor, and he shall receive necessary traveling expenses when away from the capital on official business, not to exceed the sum of five hundred dollars, the same to be paid out of the general school fund upon warrants of the state auditor. Said superintendent shall reside and keep his office at the state capital.

General Powers and Duties

Sec. 18. **Shall Provide Seal.** The state superintendent of schools shall provide a seal for his office and copies of his acts and decisions, and of papers kept in his office when authenticated by his signature and his official seal, shall be received as evidence in all courts the same as the original. He shall sign all requisitions on the auditor for the payment of money out of the state treasury for school purposes, except as otherwise provided by law.

Sec. 19. **Shall Have General Supervision of Schools.** The state superintendent of schools shall have general supervision of the free schools of the State, and shall be the chief executive officer of the state board of education. He shall be charged with the general supervision of all county and city superintendents of free schools and of county and district boards of education within the State, except as provided in chapter thirty-three of the acts of one thousand nine hundred and eight. He shall prescribe the forms and cause to be prepared and printed all blanks necessary for carrying out the details of the school system of the State, and of the rules of the state board of education, so as to secure the uniform operation of the same throughout the State. In respect to general school statistics, said forms and blanks shall conform as nearly as may be to the forms and blanks recommended by the United States bureau of education. Said state superintendent shall also cause such forms and blanks to be forwarded to all school officers and other persons whose duty or right it is to use them.

Sec. 20. **Shall Institute Proceedings.** The state superintendent of schools shall cause to be instituted such proceedings or processes as may be necessary properly to enforce and give effect to any provision or provisions of this act and to the provisions of any other general or special laws pertaining to the school system of the State, or any part thereof, or of any rule or direction of the state board of education, made in conformity with its powers and duties as provided in this or subsequent acts. Said superintendent shall have authority to administer oaths and to examine under oath, in any part of the State, witnesses in any proceeding pertaining to the public schools, and to cause such examination to be reduced to writing. Witnesses, other than employees of the State, shall be entitled to the same fees as in civil cases in the circuit court. The state superintendent of schools shall have power to institute the proper proceedings for the removal of any school official charged with dishonesty, continued neglect of duty, or with failure to comply with the provisions of this act or of the rules of the state board of education.

Sec. 21. **May Hold Conference.** The state superintendent of schools shall have the authority to call conferences of the county, district, and city superintendents of schools of the State, or of any group or groups of such superintendents, for the purpose of considering with them any matters relating to the conditions and needs of the schools and the proper means of improving the schools throughout the State, or any section thereof.

Sec. 22. **Shall Give Interpretation.** At the request in writing of any citizen, teacher, school official, county or state officer, the state superintendent of schools shall give his interpretation of the meaning of any part of the school law or of the rules of the state board of education.

Sec. 23. **State Manuals and Other Publications.** (1) From time to time as may be necessary, the state superintendent of schools shall cause to be prepared and published for distribution to the proper persons to receive them, manuals of the courses of study prescribed by the state board of education, as provided by section nine of this act. It shall be his duty to see that the minimum standards set forth therein shall be maintained in all the several kinds and grades of the public schools throughout the State. It shall also be the duty of the state superintendent of schools to provide for the examination of pupils completing such courses of study and to cause diplomas or certificates to be issued to all persons who satisfactorily complete such courses.

(2) Said superintendent shall cause to be printed and distributed from time to time a sufficient number of copies of the school law to supply the needs of school officials and other citizens of the State.

(3) Said superintendent shall cause to be prepared and published a list of books suitable for school libraries and shall recommend the proper conditions for the purchase and use of such books. Such list shall be distributed among the teachers, principals, and superintendents throughout the State.

(4) The state superintendent of schools shall also have authority to publish and distribute such other reports, circulars of information, and bulletins as in his judgment will promote the best interests of the schools.

The expenses of printing all such publications or other documents shall be paid out of the general school fund on warrants drawn by the state superintendent of schools.

Sec. 24. **Shall Make a Biennial Report.** On or before the first day of November preceding each regular session of the Legislature, the state super-

intendent of schools shall make and transmit a report to the governor, to be transmitted by him to the Legislature. Such reports shall contain summaries of the annual reports of the county superintendents and such other information about the conditions of the public school-system of the State as said superintendent may deem it wise to communicate to the governor and the Legislature. Said report shall, however, contain such information about the public schools of the State as the governor or the Legislature may have previously requested. Said report shall also include the recommendations of the state superintendent respecting needed legislation on behalf of the schools.

Sec. 25. **Shall Employ Assistants.** For carrying into effect the provisions of this act, the state superintendent of schools shall maintain a department of public schools at his office at the state capital and he shall have authority to appoint assistants and such other employees as may be necessary, including a state supervisor of colored schools, whose salary shall be $2,400.00 per annum and for any necessary expenses incident to the performance of his duties, upon presentation of itemized sworn statement of the same.

Sec. 26. **Other Powers and Duties.** The state superintendent of schools shall exercise such other powers and discharge such other duties as are herein assigned to him, or as may from time to time be assigned to him by the Legislature and by the state board of education.

THE COUNTY SUPERINTENDENT OF SCHOOLS

Sec. 31. **Election, Qualification, Oath, Bond.** The county superintendents of schools elected at the general election in November, one thousand nine hundred and eighteen, shall hold office for the full term of four years for which they were elected, and until their successors are elected as herein provided and are qualified according to law.

A county superintendent of free schools shall be elected in each county by the voters thereof, at the general election held on the Tuesday after the first Monday in November, one thousand nine hundred and twenty-two, who shall be a resident of the county in which he is elected and whose term of office shall commence on the first day of July next after his election, and continue for four years and until his successor is elected and qualified according to law. The county superintendent of free schools shall immediately upon receiving the certificate of election from the canvassing board, or the county court, forward a written notice thereof to the state superintendent of free schools.

In case of a tie in the vote for a county superintendent of free schools, the presidents of the various district boards of education shall at a meeting called for that purpose, at the court house of the county, by the county superintendent of free schools, not less than six nor more than twelve days after the result of such election is ascertained, appoint one of the persons receiving the highest number of votes for said office at the said election as county superintendent of free schools who shall give notice as aforesaid to the state superintendent of his appointment. A notice of such meeting shall be made out by the county superintendent and served upon the president of each district board of education at least three days before the day of such meeting in the manner provided by law for the service of other process.

After this act shall go into effect, no person shall be elected or appointed to the office of County Superintendent of Schools who does not, at the time of his

election, hold a supervisor's certificate or who is not a graduate of a standard normal school or who has not completed courses in other institutions that, in the opinion of the state board of education, are equivalent to such graduation. **Provided, however,** that anyone who holds a first grade elementary certificate or its equivalent, issued prior to July first, one thousand nine hundred and twenty-two, on which he has taught for a period of ten years, shall be eligible to the office of county superintendent, the same as the ones possessing the qualifications named in this section.

Before assuming any of the duties of his office, or exercising any authority whatsoever, every county superintendent of schools shall qualify before the clerk of the county court, and he shall also execute with said clerk a bond with approved security in the penalty of one thousand dollars ($1,000) conditioned upon the faithful performance of the duties of his office and upon the accounting and paying over to the proper authorities of all money coming into his hands. Said clerk shall within five days after said qualification and execution of bond, certify to the state superintendent of schools the name of such county superintendent and the fact of his qualifying and executing such bond.

Every county superintendent of schools shall devote his entire time during his term of office to the performance of his duties as superintendent.

Sec. 32. **Vacancy, How Filled.** Upon proper complaint in writing, from the state superintendent of schools or from any officer or citizen of the county against any county superintendent of schools for immorality, misconduct in office, incompetency, wilful neglect of duty, or other good and sufficient cause, the state board of education may, after careful investigation of such complaint, remove any such county superintendent of schools by making known to him in writing upon not less than ten days' notice, the charges against him and by giving him an opportunity to be heard in his own defense, either in person or by counsel. After this act shall go into effect any vacancy occurring in the office of county superintendent of schools, whether by removal or otherwise, shall be filled by the presidents of the district boards of education until the next general election. In case of a tie in the vote for filling any such vacancy, the state superintendent of schools shall appoint a county superintendent of schools.

Sec. 33. **Compensation.** County superintendents of schools shall receive for their services from the general school fund annual compensation as follows: In counties having fewer than seventy-five schools, twelve hundred dollars ($1,200); in counties having seventy-five schools but fewer than one hundred schools, thirteen hundred dollars ($1,300); in counties having one hundred schools but fewer than one hundred twenty-five schools, fourteen hundred dollars ($1,400); and in counties having one hundred twenty-five schools or more, the county superintendent shall receive fourteen hundred dollars ($1,400), and in addition thereto three dollars ($3.00) for each school above one hundred twenty-four; **provided, however,** that the salary of a county superintendent of schools payable out of the general school fund shall in no case exceed twenty-one hundred dollars ($2,100) per annum.

Sec. 34. **How Payments Shall Be Made.** Such compensation of the county superintendent of schools shall be paid monthly out of the general school fund upon orders drawn by the county superintendent of schools on the state superintendent, who shall upon receiving the same issue a requisition upon the auditor therefor, payable to said county superintendent, or to his assignee.

General Powers and Duties

Sec. 35. **Shall be Chief Executive Officer.** As chief executive school officer in the county, the county superintendent of schools shall see that the school law and the rules of the state board of education are carried into effect, except in independent school districts. He shall explain the true intent and meaning of the school laws and of the rules of the state board of education; he shall decide all controversies and disputes involving the orders of any district board of education in his county, and his decisions shall be final unless the same are appealed within thirty days to the state superintendent of schools. Said county superintendent shall also have authority to administer oaths and to examine under oath, witnesses in any proceeding pertaining to the public schools of the county and to cause the examination to be reduced to writing.

Sec. 36. **Shall Visit Schools.** The county superintendent of schools shall visit the schools of his county as often as practicable, shall observe the management and instruction therein, and offer suggestions for the improvement of the same. He shall advise with supervisors, principals, and teachers; shall counsel with district boards of education and school trustees, and shall labor in every way to awaken public interest in the schools and to improve educational conditions throughout the county. Subject to the rules of the state board of education the county superintendent of schools shall cause the schools of his county to be graded and standardized and shall see that at least the minimum standards for the courses of study as prescribed by the state board of education are maintained. He shall report to the proper district board of education all cases of incompetency or neglect of duty on the part of any teacher, trustee, or attendance officer and he shall report to the state superintendent of schools all cases of drunkenness, untruthfulness, immorality or continued neglect of duty on the part of teachers, principals, and supervisors, with his recommendations for the proper remedy by said state superintendent. The county superintendent of schools shall also have authority to suspend any teacher whose presence in the school he regards as detrimental to the welfare of the pupils, pending an investigation into the conduct or condition of such teacher by the state superintendent of schools or by his representatives. If the physical conditions in or about any school house are in the judgment of the county superintendent of schools a menace to the health or safety of the pupils of the school, said county superintendent shall have authority to close such school until such conditions are remedied.

Sec. 37. **May Hold Conference.** The county superintendent of schools shall have authority to call annually, or from time to time as needs may require, conferences of members and secretaries of boards of education or of principals and supervisors of schools in order that he may discuss with them his plans for improving the administration of the school affairs throughout the county. Members of boards and supervisors and principals shall be reimbursed out of the building fund of their respective districts for their actual and necessary traveling expenses incurred in attending one such conference each school year.

Sec. 38. **Shall be County Financial Secretary.** The county superintendent of schools in each county shall be **ex-officio** county financial secretary of school affairs, and as such officer he shall have the power and authority to perform the duties herein assigned to him by the Legislature.

The county financial secretary shall keep the financial records for all the

schools within his county, said records to be kept in the form prescribed by the chief inspector under chapter thirty-three, acts of 1908. He shall countersign all proper orders issued by the several boards of education within his county before said orders are payable by the sheriff or school treasurer, and shall make annual settlements with the sheriff or school treasurer for the several school funds, as provided by law; he shall at the end of each month deliver to each board of education a summarized statement showing the financial condition of their several school funds, said statement to be in the form prescribed by the chief inspector under chapter thirty-three, acts of one thousand nine hundred and eight.

No sheriff or school treasurer shall pay any order drawn on any school fund until said order has been countersigned by the county financial secretary. At the end of each month the sheriff or school treasurer shall make a report to the county financial secretary, showing the date, number and amount of each school bond and interest coupon paid during the month.

The county court of every county shall provide at the county seat a suitable office, in the courthouse, if there be sufficient room, for the county superintendent of schools, and shall keep the same supplied with the necessary furniture, apparatus, fuel, light, record books, stationery, postage, and such other things as shall be necessary, including janitor service. The county financial secretary shall receive for his services required by this act an annual compensation of seventy-five dollars, except that in counties having more than one hundred teachers employed for at least six months during the year, the annual compensation shall be at the rate of seventy-five cents for each teacher so employed, said compensation to be based on the number of teachers employed during the preceding year, and to be paid monthly on orders issued by the county court drawn on the general county fund.

Sec. 39. **Shall Make Annual Report.** The county superintendent of schools shall receive and revise the reports made to him by the secretaries of the several boards of education of the districts and independent districts, and see that they are complete and in forms prescribed by law or as prepared by the state superintendent of schools; and when deficiencies or errors exist, he shall return such reports to such secretaries and refuse to issue warrants for their salaries until all reports are accurate and complete. From these reports and such other information as he may have the county superintendent of schools shall make a report to the state superintendent of schools on or before the first day of August annually, or as soon thereafter as possible, setting forth in reference to each district and independent district of his county for the year ending on the thirtieth day of June next preceding, the several particulars required in the blank forms to be furnished to him by the state superintendent of schools. If any county superintendent of schools shall fail to make such report to the state superintendent of schools by the first day of August in any year said state superintendent shall have authority to withhold the salary of such county superintendent and may deduct three dollars ($3.00) from the salary of such county superintendent for every day after the first day of August until the receipt of such annual report.

Sec. 40. **Shall Exercise Other Authority.** The county superintendent of schools shall exercise such other authority and perform such other duties as may be prescribed by this act or by succeeding acts of the Legislature, or as may be

required by the by-laws of the state board of education, and he shall have authority to act at his discretion in any cases of emergency affecting the best interests of the schools.

DISTRICT BOARD OF EDUCATION

Sec. 41. **How Constituted, Election, Term.** In each district there shall be a board of education, which shall consist of a president and two school commissioners, elected by the qualified voters of the district. The commissioner who was elected at the general election in one thousand nine hundred and sixteen, and the commissioner and president who were elected at the general election in one thousand nine hundred and eighteen, shall serve the full term of four years for which they were elected, and until their successors are elected or appointed and have qualified according to law. At the general election to be held on the Tuesday after the first Monday in November, one thousand nine hundred and twenty, and every four years thereafter, one school commissioner shall be elected; and at the general election to be held on the Tuesday after the first Monday in November, one thousand nine hundred and twenty-two, and every four years thereafter, a president and one school commissioner shall be elected. Their terms of office shall commence on the first day of July next after their election, and they shall each continue in office for four years, and until their successors are elected or appointed and have qualified according to law.

Sec. 42. **Tie in the Vote.** In case of a tie in the vote for school commissioner or president of the board the county superintendent shall appoint one of the contestants as commissioner or president.

Sec. 43. **Vacancy, How Filled.** Any member of any board of education who shall be employed to teach in his district, or any member who shall move to another district, county or state, shall in either case thereby immediately vacate his office.

Vacancies in the office of school commissioner or president shall be filled by the county superintendent of schools.

Sec. 44. **Oath of Office.** Every president and commissioner of a board of education elected or appointed within the State shall, before exercising any authority or performing any duties of his office, qualify as such by taking and subscribing to the oath of office prescribed by section five of article four of the State Constitution, which oath shall be filed with the secretary of the board of education of his district.

Sec. 45. **Meetings, Quorum, Compensation.**—The district boards of education shall hold their regular meetings on the first Monday in July, the second and fourth Tuesdays in August, and when the schools are in session, on the fourth Saturday of each calendar month, or other regular day in the fourth week of the month to be agreed upon by the board, all such meetings to be held at a place to be designated by the board at its first meeting held on the first Monday in July. Upon the call of the president or of the two school commissioners boards of education may hold other meetings, but no business shall be transacted at any called meeting except such as may be designated in the call therefor, of which all the members have had notice.

A majority of all the members of a board of education shall constitute a quorum and such board cannot transact any official business except when assembled as a board.

Each member of a board of education shall be entitled to receive, as compensation for his service, three dollars ($3.00) a day for each day spent in the performance of his official duties; **provided, however,** that no president of a board of education shall receive pay for more than fifteen days, and no commissioner shall receive pay for more than twelve days, in any year.

General Powers and Duties

Sec. 46. **The District Board a Corporation.** The board of education of each district shall be a corporation by the name of "The board of education of the district of ———— in the county of ————," and as such may sue and be sued, plead and be impleaded, contract and be contracted with; and shall succeed and be subrogated to all the rights of former district boards of education; and may prosecute and maintain any and all suits and proceedings now pending or which might have been brought and prosecuted in the name of any such former board of education for the recovery of any money, or property or damage to any property due to or vested in such former board, and shall also be liable in its corporate capacity for all claims legally existing against the board of education of which it is successor. Said board shall, according to law, hold and dispose of any real estate or personal property belonging to said corporation or its predecessors, or that may hereafter come into its possession. Said board shall receive, hold and dispose of, according to law, and the intent of the instrument conferring title, any gift, grant, devise or bequest. All schoolhouses, school sites, and other property belonging to any board of education and used for school purposes shall be exempt from execution or other process, and free from lien or distress for taxes or for county or state levies.

Sec. 47. **School Land.** Any land or school sites which for five years prior to the first day of July, one thousand nine hundred and nineteen, have been in the undisputed possession of any district board of education and which are still in such possession and to which title cannot be shown by any other claimant, shall be the property of the board of education of the district in which any such lands may lie, and the title thereto shall be vested in such board and their successors in office, to be held and used for school purposes, subject to the provisions of section forty-nine of this act.

Sec. 48. **School Property May Be Sold.** It shall be the duty of every district board of education to ascertain, at the beginning of each school year, the physical condition of all school buildings in its district and the necessity of the same for school purposes and such buildings as, in the judgment of the board, are properly located and are suitable or can with reasonable expense be rendered suitable for school purposes, shall, if necessary for carrying on the schools, be retained; all other buildings together with lands held in connection therewith, shall with the consent of the county superintendent of schools be sold at public auction to the highest responsible bidder, by the board of education, on proper legal notice and on such terms of sale as the board may order, and the proceeds of such sale shall be placed to the credit of the building fund of the district; **provided,** that in rural districts the grantor of such lands, his heirs or assigns, shall have the right, at such sale, to purchase said land, exclusive of mineral rights, and buildings thereon, at the same price for which it was sold, plus legal interest. Said board may also lease for oil or gas or other minerals any lands

or school sites owned in fee by it, and not used for school purposes, the rental or other proceeds of any such lease to be placed to the credit of the building fund of the district.

Sec. 49. **Shall Provide School Sites.** The board of education of every district and independent school district shall provide by purchase, condemnation or otherwise, such lands as may be necessary for school buildings, playgrounds, experiments in agriculture, and other educational purposes, and shall have authority to make the necessary expenditures for the improvement of such lands.

If the owner or owners refuse to sell any land selected by a board of education or a county superintendent as a location for a schoolhouse and other necessary buildings, or for enlarging a schoolhouse lot, or for any other educational purpose, or if such owner demand an unreasonable price therefor, or is "non compos mentis," a "femme couverte," a minor, or a non-resident, the board of education may petition the circuit court to have such land condemned, and such proceedings shall thereupon be had in the name of such board for the condemnation thereof, as provided for in chapter forty-two of the code of West Virginia; **provided,** that the land so taken shall not exceed in quantity five acres.

It is provided, however, that except in independent school districts, no lands may be purchased by any board of education, nor condemned by any circuit court, unless such lands have first been approved for the purpose or purposes intended, by the county superintendent of schools, in writing. It is provided, further, that a board of education cannot spend public school funds for the erection of school houses or other buildings for educational purposes, on lands to which the board does not possess legal title or other instrument of possession approved by the county superintendent of schools.

Sec. 50. **Shall Provide Buildings, Furniture and Equipment.** The board of education of every district and independent school district shall provide by purchase, lease, building, or otherwise a sufficient number of suitable schoolhouses and other buildings to meet the educational needs of its district. Said board shall also provide such furniture, fixtures, and apparatus for said school houses and other buildings as may be necessary for the effectiveness of the schools and for the convenience, health, and cleanliness of the pupils thereof, including fuel and other necessary supplies and shall cause the school grounds, school houses, and the furniture, fixtures, and apparatus therein to be kept in good order and repair, and may provide for medical and dental clinics. It is **provided, however,** that no schoolhouse or other school building shall be constructed by any board of education, except in independent districts, until the location therefor has first been approved by the county superintendent of schools, nor until the plans for such building have first been approved in writing by said superintendent, unless the plans have been indorsed by the state board of education or its agent. In the event said board cannot agree upon the location or plans of any proposed school building said county superintendent shall select the location and the plans for such building.

It is further provided, that proposed repairs upon old buildings or the remodeling of the same, costing in excess of two hundred ($200.00) dollars for any building, shall not be made by a board of education, except in independent districts, without the written approval of the county superintendent of schools; and that no purchase of school furniture, fixtures, equipment, library books or supplies costing in excess of fifty ($50.00) dollars shall be made by such board of education without the written approval of said superintendent.

The county superintendent of schools may as county financial secretary refuse to countersign any orders which may be issued by any board of education in violation of the provisions of this section and of section fifty* requiring his approval.

The county superintendent of schools shall also have authority to require that any district board of education shall submit for his approval any contract about to be made by such board involving an expenditure from the building fund of the district, if the amount of such contract is in excess of three hundred ($300.00) dollars.

Sec. 51. **May Provide Buildings Jointly.** District boards of education in adjoining districts may jointly provide for the construction of schoolhouses and the teaching of school therein for the attendance of pupils in adjoining portions of such districts, whether in the same or different counties, who may be better accommodated by such union of schools. The title of such schoolhouses shall be vested in the board of education of the district in which such joint schoolhouse is located, and the terms of the agreement shall be reduced to writing and entered of record in the minutes of each board concerned. Such schoolhouses shall be provided with furniture, fixtures, and such other apparatus and equipment as are supplied to schoolhouses generally, and an equitable amount of the cost thereof shall be apportioned to each district affected by such union, and the same shall be paid by each board in the manner of payment of other school expenses within its own district.

Sec. 52. **Bond Required from Contractors.** Boards of education shall in all cases require persons entering into contract for the building or repairing of schoolhouses where the contract price exceeds one hundred ($100.00) dollars, to execute bond, with approved security, in double the amount of the contract price.

Sec. 53. **May Appoint Trustees.** Boards of education may, at their discretion, appoint one school trustee for each of the sub-districts, in their districts, or for any one or more of such sub-districts, to be custodian of the school properties therein. If any board of education decides to exercise the authority herein given to it to appoint trustees, it shall at its first regular meeting in any year commencing with the school year, beginning the first day of July, one thousand nine hundred and nineteen, appoint as trustee for each such sub-district a responsible citizen thereof, for a term of one year from the date of his appointment. Said district board may at any time for neglect of duty or for other good cause, remove any trustee so appointed by serving notice upon him of his removal, and may appoint his successor for the unexpired term. **Provided, however,** that nothing herein shall prevent a board of education from appointing three trustees for each sub-district in its district, who, when appointed, shall be the custodians of the school property therein, and who shall have the authority to appoint and contract with teachers in their respective sub-districts, but such appointments shall be made at a meeting to be held on the third Monday in July of each year, or as soon thereafter as practical, and under the conditions provided by law for contracting with teachers.

At their meeting on the first Monday in July, one thousand nine hundred and nineteen, the board of education, if it exercise the authority to appoint three trustees, shall appoint one for a term of one year; one for a term of two years; and one for a term of three years; who shall hold their offices until their successors

*Refers to section forty-nine.

are appointed and qualified. After the expiration of said terms all appointments shall be made for a term of three years; but nothing herein shall prevent a board of education from exercising the right to appoint trustees at their meeting on the first Monday in July of any subsequent year.

The trustees so appointed shall exercise the same right and authority over their respective sub-districts as is exercised by the board of education when no trustees are appointed therein, but shall be subject to removal by the board of education at any time for neglect of duty or misconduct in office. The act of removing any trustee by a board of education as aforesaid shall be final. A school trustee shall be under the immediate direction of the board of education of his district, or of its authorized executive officer. He shall receive no salary or other emolument in recognition of his services as school trustee, but if while performing any duty imposed upon him by an order of the board of education of his district, when such order is in conformity with the orders of the board, he incurs any expense to himself, he shall be reimbursed therefor out of the building fund of the district, and if he is required to perform any labor by orders of the board he shall be allowed a reasonable compensation for the time actually and necessarily spent at such labor. Said board shall also have authority to appoint janitors for school buildings and to pay such janitors out of the building fund an amount not to exceed two dollars ($2.00) per week for each class room in use in such building. It is **provided, however,** that the maximum of two dollars per week for janitor service shall not apply in independent districts or in graded and high schools of more than four rooms.

Sec. 54. **Minimum School Term—Board May Extend Same.** The board of education of every district and independent district shall provide in the schools of its district a minimum school term in each year as follows: In the year 1919-1920, one hundred twenty days; in the year 1920-1921, one hundred thirty days; in the year 1921-1922, one hundred forty days; in the year 1922-1923, one hundred fifty days; in the year 1923-1924, and thereafter, one hundred sixty days. It is **provided, however,** that the board of education of any district or independent school district shall have authority to extend such minimum school term in any year for as many days in addition thereto as the board may determine. It is provided, further, that if the proceeds of the regular levies authorized by law are insufficient to enable the board of education of any district to extend the term of school for a longer term than the minimum herein provided, such board may at any general election or at a special election submit to the qualified voters of the district the question of laying an additional levy for such extension of the school term, and if petitioned so to do by at least fifty taxpayers in any district, the board of education **shall** submit the question of such additional levy. If at any such election a majority of the votes cast on the question are in favor of such additional levy, it shall then be the duty of the board of education to make such extension and to lay on all the assessed valuation of property in the district such additional levies as may be necessary to pay the additional cost of the same. The term of school fixed by such election shall continue from year to year so long as a majority of the votes cast at the election at which the question of "school levy" is submitted, be in favor of such "school levy," or until the term so fixed shall be changed by a majority vote of the people in such district. The schools shall be open to all youths between the ages of six and twenty-one for the full length of the school term provided in their district.

Sec. 55. **Minimum Salaries for Teachers—Board May Increase.** Com-

mencing with the school year, 1919-1920, every teacher employed in the schools throughout the State, who holds a certificate of the first grade, shall receive not less than seventy-five dollars ($75.00) a month; every teacher so employed and holding a certificate of the second grade shall receive not less than sixty dollars ($60.00) a month; and every teacher so employed and holding a certificate of the third grade, shall receive not less than forty-five dollars ($45.00) a month. But the board of education of any district or independent district shall have authority to fix a schedule of salaries for teachers holding the aforesaid grades of certificates at higher rates than the minimum salaries herein provided.

The board of education of any district or independent district may fix a higher rate of salary than the rate fixed for teachers in general, holding certificates of the first, second, and third grades, to be paid to teachers in graded schools having two or more rooms in the same building, to teachers who are graduates in the diploma course of state normal schools and other schools of equal or higher grade, and to teachers who attend within the summer vacation period the summer term of the West Virginia University, or of one of the state normal schools or of other schools of equal or higher grade and standing. Boards of education shall have authority to fix schedules of salaries to be paid to superintendents, principals, supervisors, and all other employees under its authority and control.

Sec. 56. **May Appoint District Supervisors.** The board of education of every district in the State shall have authority to appoint for its district a district supervisor of schools and to fix his salary. The salary of a district supervisor shall be paid monthly out of the teachers' funds of the district. Said board may, subject to the written approval of the county superintendent of schools, appoint one or more assistant district supervisors in districts in which fifty or more principals and teachers are employed.

It is **provided, further,** that the board of education of any district may employ a district supervisor for as many months longer than the regular school term as may be necessary for him to supervise the construction of new buildings, the repairing of old buildings, the improvement of school grounds, and to do such other work as may be approved by the board. Said board may also co-operate with the extension division of the college of agriculture of West Virginia University in employing the district supervisor or another person as agricultural club agent for the organization and direction of boys' and girls' agricultural clubs in the district; but any district supervisor so appointed shall be under the authority and direction of the board of education of the district and he shall in no case neglect the work of supervising the schools and of performing his other duties as district supervisor. It is **provided, further,** that two or more districts in the same county or in adjoining counties may appoint a district supervisor jointly, the apportionment of the salary and of the time of such supervisor to be arranged according to the number of schools in each district.

Commencing with the year 1920-1921, no person shall be eligible for appointment as district supervisor who does not hold a valid supervisor's certificate or its equivalent as defined by the state board of education and who is not also a graduate of a standard normal school or who has not had other academic and professional training approved by the state board of education as equivalent in all respects to graduation from a standard normal school; **provided,** that, prior to the first day of July, 1923, any person holding a first grade teachers'

certificate, who has had successful experience in supervising schools may, upon the recommendation of the state board of education, be granted by the state superintendent a provisional license to act as district supervisor.

The district supervisor shall be the executive officer of the board of education of his district. He shall attend all the meetings of the board, except when his appointment, tenure or salary is the order of business, and he shall have the privilege of the floor, but he shall have no vote. From a list of applicants in the hands of the board of education the district supervisor shall have authority to recommend for appointment by the board a sufficient number of principals and teachers for the schools of the district, except in incorporated towns and cities where superintendents are appointed by the board, and he shall have authority to assign to their respective posts of duty all principals and teachers so appointed. Said supervisor shall visit the schools of his district as often as possible and shall see that the school laws are enforced, that minimum standards of the courses of study prepared by the state board of education are maintained, and that all the laws and rules of the state board of education relating to the health of school children are observed. He shall supervise the methods of instruction in the schools and offer such suggestions to teachers as he may deem expedient, and he shall have authority to call meetings of the teachers as often as practicable. He shall make such reports as the state superintendent of schools may require.

Sec. 57. **Shall Appoint Teachers.** The board of education shall on or before the first Monday in July in each year, if practicable, appoint the principals and teachers for all the schools in the district and shall fix their salaries as provided by section fifty-six* of this act. All such appointments shall be in writing according to the form of contract to be furnished by the state superintendent of schools and all such contracts, together with the certificates of the appointees, shall be filed with the secretary of the board.

The board of education of any district or independent district may suspend or dismiss any principal or teacher so appointed, for immorality, incompetency, cruelty, insubordination, intemperance or wilful neglect of duty, provided that the charges be stated in writing and that the teacher be given an opportunity to be heard by the board upon not less than ten days' notice and provided that in all cases when the board is not unanimous in its decisions to suspend or dismiss, the principal or teacher so suspended or dismissed shall have the right of appeal to the state superintendent of schools. It is provided, however, that any teacher who enters into a contract with a board of education to teach in a public school and who fails to complete the term of such contract, unless prevented from doing so by personal illness or other just cause, or unless released from such contract by said board, shall be disqualified to teach in any other public school in the State during the term of such contract.

If any school is closed by the proper health authorities on account of the prevalence of any contagious or infectious diseases, the time during which such school is closed shall be counted as if taught in determining whether a school has been maintained for the minimum term, and the teacher of such school shall not be compelled to make up such lost time provided he held himself in readiness to teach subject to the order of the board.

In making contracts with teachers or other employees of the board, it shall be understood that schools are not to be kept in operation for instruction on any Saturday or on the following days which are hereby named and designated as

*Refers to section fifty-five.

school holidays, namely: The Fourth of July, commonly called Independence Day; the last Thursday in November, commonly called Thanksgiving Day; the twenty-fifth day of December, commonly called Christmas Day; any day on which a general election is held throughout the State; and any day appointed and set apart by the president or the governor as a day of special observance by the people of the State; **provided,** that no teacher shall count any such holiday or other day so set apart, as a day taught; but shall teach twenty full days for each school month specified in his or her contract; and **provided, further,** that on Washington's birthday the schools shall be open and shall devote a portion of the day to exercises bearing on the life and services of "The Father of Our Country," and that Arbor Day, Memorial Day and any other special days shall be observed at such times and in such manner as the state board of education may determine.

Sec. 58. **Shall Have General Control.** In accordance with the provisions of this act and subject to the rules and regulations of the state board of education, every district board of education shall have the general control and management of all the schools and the school interests of its district; it shall have authority to change the boundaries of sub-districts and increase or diminish the number thereof; and it shall, as hereinafter provided, establish high schools. Said board shall have authority to close any schools which may be unnecessary and to assign the pupils of such schools to other schools, and to consolidate two or more small schools into central graded schools to be known as "consolidated schools," and to provide a building with all necessary equipment therefor. Said board shall also have authority to provide at public expense for the transportation of pupils to and from such consolidated schools, or other schools where transportation of pupils may be necessary; **provided,** that such transportation shall be in accordance with the rules and regulations of the state board of education relating thereto. It is **provided, further,** that said district board of education may close any elementary school whose average daily attendance falls below ten pupils for two months in succession, and shall thereupon direct the pupils affected thereby to attend, if possible, another school or other schools in the same or in adjoining districts or independent districts, whether in the same or in adjoining counties, and the teacher of any school so closed or abandoned shall receive no further compensation as teacher of such school. It is provided, also, that whenever any child or group of children of school age shall, by reason of the provisions of this act, or for any cause whatsoever, be without opportunity to attend a free school as provided by law, within two miles of their homes by the shortest available road or path, the board of education of the district in which such child or group of children reside, may employ such means as to the board may seem best to provide educational opportunities to such child or group of children, and may expend for such purpose an amount not to exceed the proportion of all the school funds of the district that such child or group of children would be entitled to receive, if all such funds were distributed equally among all the children of school age in the district upon a **per capita** basis, such expenditure to be made according to such rules and regulations as the said district board may make therefor.

Sec. 59. **Transfer of Pupils—Tuition.** The board of education of every district and independent district shall determine what schools in its district the pupils shall attend. But upon the written request of any parent, guardian or other person legally responsible for any pupil or pupils, the board of education

may transfer such pupils to another school in the district, or to a school in an adjoining district or independent district, if it can be shown that such pupils would be better accommodated at such other school. Any person aggrieved by the action of a district board of education regarding such application for transfer of pupils may appeal to the county superintendent of schools, whose decision shall be final.

Transfers of pupils from one district or independent district to another, whether in the same or in adjoining counties shall be made by the board of education of the district in which the pupil or pupils desiring to be transferred reside, and the same shall be subject to the approval of the board of education of the district or independent district in charge of the schools to which such pupil or pupils wish to be transferred. In all cases of transfer of pupils, either to elementary schools or to high schools, the board of education of the district making such transfer shall pay to the board of education to which such transfers are made, reasonable tuition fees, which for elementary schools shall not exceed two and one-half dollars ($2.50) a month, and which for high schools shall not be less than two and one-half dollars ($2.50) nor more than five dollars ($5.00) a month, the same to be paid out of the teachers' fund of the one district to the teachers' fund of the other.

Sec. 60. **May Provide Kindergartens.** The board of education of any district or independent district may establish in connection with the schools of such district, kindergarten classes to which may be admitted children between the ages of four and six years.

Persons employed as teachers in such kindergarten classes shall be required to hold special kindergarten certificates which shall be issued by the state superintendent of schools under regulations prescribed by the state board of education.

Sec. 61. **Evening Schools and Other School Extension Activities.** The board of education of any district or independent district shall have authority to establish and maintain evening classes or night schools, continuation or part-time day schools, and vocational schools wherever practicable to do so, and shall admit thereto adult persons and all other persons, including persons of foreign birth, but excepting children and youth who are required by law to attend day schools. Boards of education shall have the authority to use school funds for the financial support of such schools and to use the school houses and their equipment for such purposes. Any such classes of schools shall be conducted in accordance with the rules and regulations of the state board of education.

The board of education of any district or independent district shall have authority also to provide for the free, comfortable, and convenient use of any school property to promote and facilitate frequent meetings and associations of the people in discussion, study, recreation and other community activities, and may require, assemble and house material for use in the study of farm, home, and community problems and may provide facilities for the dissemination of information useful on the farm, in the home, or in the community.

Sec. 62. **Shall Provide School Libraries.** The board of education of every district and independent district may provide libraries for their schools and may purchase books, bookcases and other things necessary therefor, and shall pay the costs of such libraries out of the school funds of their districts. Books so purchased, except in independent school districts and in high schools, shall be selected from an approved list to be prepared and published from time to time

by the state superintendent of schools. It is **provided, however,** that books not included in such list may be purchased upon the written approval of said superintendent.

Boards of education of such districts shall have authority to employ during the vacation period, a librarian for any school having fifty volumes or more and to pay such librarian out of the school funds of the district, an amount not to exceed one ($1.00) dollar a day for each day such library is kept open, by order of the board. Any librarian so appointed shall keep the library open at least one day a week, at which time the patrons and pupils of the school may draw books from the library under such rules and regulations for the care and return thereof as the board may make.

Sec. 63. **May Display United States Flag.** Every board of education shall have authority to purchase, out of the building fund, United States flags of regulation bunting for the school buildings of the district and to require the same to be displayed over such school buildings during the time the schools are in session.

Sec. 64. **Medical Inspection and School Nurses.** Boards of education of independent school districts shall, and boards of education of districts may, employ proper medical and dental inspection of all pupils attending the schools of their districts.

Boards of education of districts and independent districts shall also have authority to employ school nurses and to take any other action necessary to protect the pupils from contagious and infectious diseases, including the authority to require from all teachers employed in their districts, certificates of good health and of physical fitness for the work of instruction in the schools.

Sec. 65. **Free Text Books.** The board of education of any district or independent district may purchase the necessary text-books prescribed to be used in the free schools under their control and furnish the same free to the pupils of said schools, or to pupils whose parents, in the judgment of the board, are financially unable to provide such books. If the board of education determines to purchase and furnish such free text-books, they shall enter an order to that effect upon the records and shall cause said books to be purchased and kept in charge by the secretary and furnished to the pupils of free schools of their district as hereinafter provided.

At the commencement of every term of the free schools in such district the secretary shall deliver to the teachers thereof such books as may be necessary for the use of the several pupils therein for the ensuing term of school and take from them receipts showing the number and kind of books so received. It shall be the duty of such teachers to take charge of such books and to distribute them among the pupils of their schools as needed, and said teachers shall have and exercise general control over said books during such term and at the close thereof and before they receive an order for salary for the last month of such term shall collect and gather together all the books so used during the term and deliver them to the secretary of the board of education; **provided,** that if any of the books delivered to any pupil of such district shall be unnecessarily injured or destroyed they shall be replaced by the pupil who injured or destroyed them. All such books shall be purchased by the board of education directly from the publisher, contracted with as prescribed by law and at the net wholesale price. **Provided, however,** that the teacher shall be allowed pay for a period of two days at the same rate of pay for which he is teaching, and also be furnished means

of transportation for going after and returning the text-books for the school, the same to be paid out of the building fund of the district, in which he teaches, on the return of the books to the school board's depository.

Sec. 66. **May Establish Teachers' Retirement Fund.** Boards of education of districts and independent school districts shall have authority to establish and maintain a Teachers' Retirement Fund for the teachers of their districts, the administration of such fund to be in accordance with the rules of the state board of education relating thereto. Any board of education which provides such retirement fund shall have authority to maintain the same out of the teachers' fund in accordance with said rules.

Sec. 67. **Shall Provide Schools for Colored Pupils.** White and colored pupils shall not be taught in the same school, or in the same building, but it shall be the duty of the board of education to establish one free school, or more if necessary, in any sub-district wherein there are ten or more colored persons of school age and, if practicable, in any district wherein there are fewer than ten. For the purpose of carrying out this section the board of education may establish schools composed of pupils from adjacent districts in the manner provided in section fifty-nine* of this chapter for white pupils.

Whenever, in any school district, the benefit of a free school education is not secured to the colored children of school age residing therein in the manner mentioned in this section, the funds applicable to the support of the free schools in such district shall be divided by the board of education in the proportion which the number of colored children bear to the number of white children therein, according to the last enumeration made for school purposes, and the share of the former shall be set apart for the education of colored persons of school age in such district, and be applied for the purpose from time to time in such way as the board of education may deem best. Any board of education failing to comply with this section may be compelled to do so by mandamus.

Sec. 68. **Other Duties.** The district board of education shall exercise such other authority and perform such other duties as may be prescribed by law or by the regulations of the state board of education.

Sec. 69. **Secretary of District Board of Education—General Duties.**—The district board of education at its first meeting to be held on the first Monday in July of each year, shall appoint a secretary who shall not be a member of the board, and who shall, before entering upon the discharge of his duties, take the oath prescribed by law, and shall attend all meetings of the board, and record their official proceedings in a book kept for that purpose, showing the number of each order issued, the name of the payee, the purpose for which issued, and the amount thereof, which record shall be attested by his signature and the signature of the president of the board. He shall have the care and custody of all papers belonging to the board, including evidences of title, contracts and obligations and shall preserve the same in his office properly arranged for reference; and he shall record and keep on file in his office such papers and documents pertaining to the business of the board and keep such accounts and prepare and certify such reports and writings as the law may require or the board direct, all of which records, papers, contracts, documents and other property pertaining to his office shall be immediately delivered in proper condition to his successor in office. Whenever any orders are drawn on the sheriff or school treasurer, the secretary shall immediately make up a list of

*Refers to section fifty-one.

said orders, showing the number of each order, the name of the payee and the amount, which list together with said orders shall be delivered to the county financial secretary for his signature and proper record. Said orders shall then be delivered by the county financial secretary to the persons entitled to the same.

Sec. 70. **Abstract of Proceeding.** The secretary of the board of education of each district shall, within three days after each meeting of the board of education, post an abstract of the proceedings thereof at the front door of the place of meeting, and within ten days after the annual settlement with the sheriff the secretary of the board of education of each district and independent district shall post at the same place an itemized statement, duly sworn to by the president and the secretary of the board, showing all disbursements by the board of education by orders drawn on the sheriff, or otherwise, within the school year preceding, from the teachers' fund, and any other fund from which disbursements are made, setting forth the name of the person to whom and the purpose for which each order was issued.

Sec. 71. **Administer Oaths.** The secretary of a board of education shall have authority to administer oaths to school officers and to teachers or others making reports.

Sec. 72. **Assessor's Certificate.** The assessor shall make out and deliver to the secretary of the board of education of each district and independent district in his county on or before the second Tuesday in August in each year a certificate showing the aggregate valuation of all personal property and real estate in such district or independent district, and to the county superintendent of free schools a certificate of the aggregate valuations of such property in the county, which certificates shall serve as the basis for the school levies for the ensuing year.

Sec. 73. **Report Rate of Levy.** Within five days after the district board of education has laid the levy for the building fund and the teachers' fund it shall be the duty of the secretary to report the rate thereof to the county superintendent and the proper assessor, and within five days thereafter it shall be the duty of the county superintendent to report the rate of levy for the various funds to the clerk of the county court and the county assessor and the rate of levy for all funds, and the total valuation of real and personal property in each district and independent district to the state superintendent and the auditor; and it shall thereupon be the duty of the proper county officer to extend on the personal property book and on the land book the amount of taxes levied as aforesaid, in separate columns, headed respectively, building fund, and teachers' fund, which taxes the sheriff shall collect and account for as required by law.

Sec. 74. **Penalty.** Any assessor, clerk of the county court, secretary of a board of education, or county superintendent who fails to perform the duties required of him by sections seventy-three and seventy-four* of this act shal lbe guilty of a misdemeanor and upon conviction thereof shall be fined twenty dollars.

Sec. 75. **Report.** From the reports of trustees, the teachers' registers, the annual settlement with the sheriff, and from such other information as he may be able to obtain, the secretary shall make a tabular report to the county superintendent on or before the twentieth day of July annually, showing all the statistics and other facts required in the blanks furnished by the state superintendent and such explanations and remarks as he may deem pertinent.

*Refers to section seventy-two.

Sec. 76. **Salaries of Secretaries.** Secretaries of district boards of education shall receive annually as compensation for their services the following amounts: In districts having fewer than fifteen schools they shall receive twenty-five dollars; in districts having as many as fifteen but fewer than twenty-five schools, they shall receive forty dollars; in districts having as many as twenty-five but fewer than fifty schools, they shall receive seventy-five dollars; and in districts having fifty schools or more they shall receive one hundred dollars and in addition two dollars for each school over fifty.

Sec. 77. **Other Duties.** The secretary of the district board of education shall exercise such other authority and perform such other duties as may be prescribed by law.

DISTRICT AND COUNTY HIGH SCHOOLS

Sec. 78. **District High Schools—How Established.** If the board of education of any district, or independent district, deems it expedient to establish a high school in such district, it shall submit the question to the voters of the district at a general or special election in the manner following, that is to say: The board shall prepare and sign a notice setting forth the kind of school proposed; the estimated expense of establishing the same, including cost of site, building, furniture, books and apparatus and the estimated annual expense of supporting the school after it is in operation, with such other information concerning it as the board may deem proper; and stating that the question of authorizing the establishment of such high school shall be submitted to the voters of the district at the election specified in the notice. Such election shall be held according to the provisions of section one hundred eighty-seven* of this act. The ballots used in voting on the question of establishing a district high school shall have printed thereon the phrase "For district high school" and the phrase "Against district high school." If it is found by the results of such election that a majority of the voters who voted on the question are in favor of authorizing the establishment of a district high school, the board of education of the district shall, at the proper time, proceed to lay the necessary levies therefor, as provided by law, and to obtain a site or sites, erect, furnish, and equip a building or buildings for high school purposes, and employ the necessary teachers therefor. Every district and independent district high school which may be established under the provisions of this section, and every district and independent district high school lawfully established when this act goes into effect, shall be under the control and management of the board of education of the district or independent district in which such high school is located, and shall be supported by a levy laid for that purpose by such board of education according to law, and by such other revenues as may be in the high school fund of the district.

Sec. 79. **Joint District High Schools.** The boards of education of two or more contiguous districts, in the same county, may, if authorized so to do by a vote of the people of each of such districts, establish and maintain jointly a high school in any one of such contiguous districts. The building or buildings for such joint high school, if any are to be erected, and the site therefor, shall be owned jointly in proportion to the amount contributed by the districts so

*Refers to section one hundred eighty-four.

uniting. The boards of education of such districts shall submit the question to the voters of the respective districts at a general or special election in the manner required by section one hundred eighty-seven* of this act.

The boards of education of the districts proposing to unite shall meet and determine the location of the proposed school, the estimated amount to be contributed toward the establishment and yearly maintenance of said school by each district, the total cost thereof to be apportioned among the districts uniting on the basis of their respective valuations of taxable property, which agreement shall be reduced to writing and entered of record in the minute book of the respective boards, and the substance of which shall be made a part of the statement to the voters as hereinbefore provided for.

The control and management of said joint high school, after the same is established, is hereby vested in the boards of education of the several districts so uniting to be exercised in joint session. The county superintendent of schools shall be ex-officio a member and chairman of said joint session, and as such shall be entitled to vote and participate in the control and management of said joint high school. There is hereby conferred upon each board of education full authority for the establishment and maintenance of such joint high school, the election to be held and the result to be ascertained as provided in section one hundred eighty-seven* of this act; and all of the provisions of said section, so far as the same are applicable, are made applicable to the establishment and maintenance of such joint high school, except that a majority of the voters of each district shall be sufficient to authorize the establishment of such high school.

Said boards of education, in joint session as herein provided, may authorize the teaching of elementary pupils in such high school building, upon such terms for the use of the building as they may determine.

Sec. 80. **Normal Training in High Schools—State Aid.** Whenever in the judgment of any county high school board or of any district or independent district board of education in whose district a high school is maintained, it is advisable to provide for the better training of the teachers in the elementary schools of its county or district, such county high school board, district board of education or independent district board of education shall have the authority to establish and maintain a normal training department in connection with any high school under its control, to provide necessary rooms, furniture, equipment and supplies, and to employ teachers therefor.

It shall be the duty of the state board of education to prescribe a course of study for such normal training department, to determine the number and qualifications of teachers to be employed therein, and to establish such other regulations and requirements for their conduct as they may deem best; and when a normal training department has been established in any high school in accordance with the regulations and requirements of the state board of education and has been approved by said board, such high school shall be designated and known as a normal training high school. The state board of education shall on or before the first day of October annually, report the number and location of high schools approved by it as normal training high schools, to the state superintendent of schools. Normal training high schools so approved shall be entitled to receive, in addition to the state aid now provided by law for classified high schools, the sum of four hundred dollars ($400.00) annually, the same to be paid out of the

*Refers to section one hundred eighty- our.

appropriation for classified high schools at the time and in the manner prescribed by law for the payment of state aid to classified high schools, and to be used for the maintenance of normal training departments of such high schools and for no other purpose; **provided, however,** that not more than ten high schools in the State shall receive aid as normal training schools at one time; and **provided, further,** that such state aid shall not be given in support of any such normal training department of any high school located in any county in which a state normal school or other state school maintaining such normal training course is located.

Sec. 81. **Payment of High School Tuition.** It shall be the duty of the board of education in any district which does not maintain a high school or assist in the maintenance of a county high school to pay the tuition fees of all pupils in its district who have completed the course of study in the elementary schools and who attend public high schools in other districts or counties, or other schools of high school grade within the state; **provided,** that boards of education shall not pay less than two dollars and fifty cents ($2.50) nor more than five dollars ($5.00) per month for such tuition for each pupil attending such high school, or other school of high school grade; **provided, further,** that boards of education shall not be required to pay such tuition fees for any pupil for more than four years.

A board of education maintaining a high school having courses of study of less than four years shall in like manner pay for the tuition of pupils who have completed a course in such school and who desire to complete a four-year course in some other high school, or other school of high school grade, offering such course.

Fees for the tuition of high school pupils shall be paid out of the teachers' fund of the district upon the presentation of a certificate giving the names of the pupils for whom tuition fees are due and the number of months each was in attendance, said certificate to be signed by the president of the board of education or other board controlling the high school or other school in which tuition pupils were in attendance and by the principal of the school.

Sec. 82. **Classification of High Schools—State Aid.** (a) The high schools of this State shall be divided into three classes as follows:

High schools of the first class shall include all high schools offering courses of study covering four years of not less than thirty-six weeks each and employing not fewer than three thoroughly qualified high school teachers who devote all of their time to the teaching of high school subjects.

High schools of the second class shall include all high schools offering courses of study covering three years of not less than thirty-six weeks each and employing not fewer than two thoroughly qualified high school teachers who devote all of their time to the teaching of high school subjects.

High schools of the third class shall include all high schools offering courses of study covering two years of not less than thirty-six weeks each and employing at least one thoroughly qualified high school teacher who devotes all of his time to the teaching of high school subjects.

(b) It shall be the duty of the State Superintendent of School to classify all of the high schools of the state in accordance with the provisions of division (a) of this section.

(c) To assist in the maintenance of all such high schools as have been properly

classified according to the provisions of division (a) of this section and have complied with all the requirements thereof, the following amounts from appropriations to be made for that purpose shall be paid annually out of the state fund.

To each high school of the first class, $800.00; to each high school of the second class, $600.00; and to each high school of the third class, $400.00.

(d) The state superintendent of schools shall not later than the first day of December, annually, notify the county superintendent of schools of each county as to the amount due under the provisions of this section to each of the classified high schools in his county. The county superintendent shall issue his warrants upon the auditor, payable to the order of the sheriff of his county, for the amount due each school which shall be paid in two equal installments, payable on the first day of December and the first day of April.

Sec. 83. **District and County Boards May Erect Dormitories for High Schools.** In any district or county maintaining a high school, the board of education may erect, purchase, or lease a building to be used as a dormitory for the accommodation of pupils wishing to attend the high school and of persons employed to teach therein, and may furnish and equip the same from the high school funds of the district or county. Said board shall place a reputable and responsible person or persons in charge of such dormitory to conduct the same and furnish meals and lodging to pupils and teachers resident therein, and shall determine the rate that shall be charged pupils and teachers for such accommodations. The person or persons placed in charge of such dormitory shall be required to give bond in the sum of one thousand dollars ($1,000.00) for the proper care and use of the dormitory and its equipment and supplies.

Sec. 84. **High School May Be Discontinued.** Any district high school shall be discontinued at the end of any year upon the petition in writing of at least seventy-five per cent of the taxpayers of the district.

Sec. 85. **Junior High Schools.** County boards of education and boards of education of school districts and independent school districts shall have the authority to organize intermediate schools, or junior high schools, in connection with any or all schools under their control. Such schools may be organized as a part of a six-three-three plan of school organization or of any other plan recommended by the state board of education. It shall be the duty of the state board of education to prescribe courses of study for such intermediate or junior high schools, to prescribe requirements for teachers employed in the same, and to establish any other regulations for such schools that may seem to the board advisable.

TEACHERS

Sec. 86. **Contracts.** Before entering upon their duties all teachers, principals, and assistants shall execute a contract with their boards of education, or trustees as the case may be, which contract shall state the duration of time of such employment and the salary to be paid, and shall be in the form prescribed by the state superintendent of schools. Every such contract shall be signed by the teacher and by the president and the secretary of the board of education, and when so signed said contract shall be filed together with the certificate of the

teacher, by the secretary in the office of the board. A violation of such contract shall subject the teacher to the penalties prescribed in section fifty-eight* of this act.

Sec. 87. **Teacher's Authority.** The teacher shall stand in the place of the parent or guardian in exercising authority over the school and shall have control of all the children enrolled in the school from the time they reach the school until they have returned to their respective homes, except that where transportation of pupils by wagon, autobuss, or other conveyance is provided, the driver in charge of such conveyance shall exercise such authority and control over the children while they are in transit to and from the school. Subject to the rules of the state board of education, the teacher of the school, or the principal of a graded or high school, shall exclude from the school any pupil or pupils known to have, or suspected of having, any contagious or infectious disease, or any pupil or pupils who have been exposed to such disease, and shall immediately notify the proper health officer, or medical inspector, of such exclusion; and any pupil so excluded shall not be re-admitted to the school by the teacher or principal thereof until such pupil has complied with all the requirements of said rules governing such cases, or has presented a certificate of health signed by the medical inspector or other proper health officer.

The teacher shall also have authority, under the rules and regulations of the state board of education, to suspend any pupil guilty of disorderly, refractory, indecent, or immoral conduct, and the district board of education may expel or exclude any such pupil if, on investigation, the conduct of such pupil is found to be detrimental to the progress and the general conduct of the school.

Sec. 88. **Teachers Exempt from Serving on Juries.** No teacher, superintendent, supervisor, principal, or other person actively engaged in school work in this State shall be required to serve on any jury during the period of his contract with a board of education.

Sec. 89. **Records and Reports.** Every teacher, principal, supervisor, or other person employed by a district or independent district board of education shall keep such records and shall make such reports as may be required by the state superintendent of schools and such records shall be kept and such reports shall be made according to the forms and blanks prescribed and furnished by said state superintendent. Teachers shall also keep such other records and make such other reports as may be required by the board of education employing them.

Sec. 90. **Payment of Teachers.** All teachers and other employees of a board of education, or trustees as the case may be, whose salaries are payable out of the teachers' fund, shall be paid for their services monthly by orders drawn upon the sheriff or treasurer, duly signed by the president and secretary of the board and countersigned by the county financial secretary; **provided,** that if the secretary of the district board of education be a teacher, the order for his salary shall be signed by the president and one of the school commissioners of the board; and **provided, further,** that the board may withhold the monthly salary of any teacher or other employee until he has first made such report or reports as may be required by the state superintendent of schools, and no teacher shall receive his salary for the last month of the term of his contract with the board of education until he has first presented to the secretary of the board in correct form all reports required by law.

*Refers to section fifty-seven.

Sec. 91. **Enumeration.** The teacher or teachers in each sub-district shall annually before the close of the school or schools therein, and not later than the first day of April, take and report an enumeration of all the youth residing in the sub-district who will be between the ages of six and twenty-one on the first day of July, following, distinguishing between males and females, and between white and colored.

Sec. 92. **How Enumeration Shall be Taken and Reported.** The enumeration shall be taken and reported in separate classes, as follows:

(1) All youth who on the first day of July following will not be less than six nor more than twenty years of age;

(2) All youth who on said date will be not less than six nor more than sixteen years of age; and

(3) All youth who on said date will not be less than seven nor more than fourteen years of age.

(4) All youth over fourteen and under sixteen years of age.

The report of enumeration shall be verified by the affidavit of the person who made it to the effect that he used all means in his power to make it; and that he believes it to be correct. He shall deliver such report to the secretary of the board of education with the term report of the school or not later than the first day of April, and, unless such enumeration be properly taken and reported by the teacher within the time required herein, the secretary shall deduct from the last month's salary of such teacher such amount as may be necessary to defray the expenses of taking said enumeration as hereinafter provided for.

Sec. 93. **Secretary to Have Enumeration Taken.** When the report of such enumeration for any sub-district is not received by the secretary of the board on or before the first day of April in any year, it shall be his duty forthwith to employ a competent person to take and report the same as aforesaid. The person taking and reporting such enumeration shall receive reasonable compensation for the time actually and necessarily spent in taking and reporting such enumeration, by an order of the board on the sheriff, the same to be paid out of the teachers' fund of the district.

Sec. 94. **Record and Report of Enumeration.** The secretary of the district board of education shall keep in his office a record of the enumeration of youth so taken, and shall annually, on or before the fifteenth day of April, transmit a summary of such enumeration to the county superintendent of schools, who not later than the first day of May shall forward to the state superintendent of schools a summary by districts and independent districts of the enumeration so taken and reported in his county.

Sec. 95. **Other Duties.** Teachers shall exercise such other authority and perform such other duties as may be prescribed for them by law or by the rules of the state board of education.

EXAMINATIONS AND CERTIFICATE

Sec. 96. **Certificates Required of all Teachers—Minimum Age.** No person shall be employed to teach in the free schools of this State or receive for teaching any part of any free school fund who does not at the time he enters upon his duties hold a valid teacher's certificate, covering the period of his employment; and under no circumstances shall a certificate to teach be granted to any person who is not of good moral character and physically and mentally qualified

to perform the duties of a teacher and who shall not have attained the age of eighteen years on or before the first day of October of the year in which his certificate is issued.

Sec. 97. **Time and Place of Holding Examinations.** The general regulation, direction and control of all matters relating to the examination of applicants for teachers' certificates, including the preparation of questions, the grading of manuscripts, the granting and issuing of certificates, and all other powers necessary for the proper examination of applicants for teachers' certificates shall hereafter be vested in the state superintendent of free schools, who shall designate the time for holding examinations simultaneously in all the counties of the State, at such places and in such buildings as the county superintendent shall designate, subject to the approval of the state superintendent.

Sec. 98. **Expenses.** For the preparation and printing of questions, for the grading of manuscripts, for postage and express charges, for the additional clerical work necessary, the state superintendent of schools shall be allowed annually an amount to be recommended by him, which amount shall be set apart and appropriated by the Legislature from the general school fund for such purpose.

Sec. 99. **Assistants.** The county superintendent shall conduct all examinations as directed by the state superintendent, and shall have authority to appoint one or more qualified persons to assist him when necessary to the proper conduct of the examination, who shall receive four dollars ($4.00) a day for not more than two days in helping conduct such examination, and shall be approved in advance of their appointment by the state superintendent. But nothing herein contained shall prevent the state superintendent from sending a competent person to supervise such examinations if he deem it expedient to do so.

Sec. 100. **Fees.** Each applicant at the time of enrollment for any examination, or for the renewal of a certificate shall pay to the county superintendent a fee of one dollar. Out of the aggregate of all fees collected by the county superintendent he shall pay his assistants and other legitimate expenses of conducting such examination. Within ten days after each examination, the county superintendent shall make and transmit to the auditor of the State a detailed and certified report of the number of applicants for certificates, the amount of fees collected by him, the amount paid out for expenses, and the balance remaining, which balance shall be transmitted with the report, to be placed by the auditor to the credit of the general school fund. At the same time, he shall transmit to the state superintendent of schools a duplicate of the report made to the auditor, together with receipts for all money paid for expenses.

All applicants for certificates upon graduation or other credentials shall pay a fee of one dollar to the state superintendent of schools, who shall transmit the same to the auditor of the State to be credited to the general school fund.

Sec. 101. **Transmitting Questions and Manuscripts.** The state superintendent of schools shall provide for the preparation of questions for said examinations and for their transmission in securely sealed packages, to the county superintendent of each county. The county superintendent shall open the packages of questions in the presence of his assistants and the assembled applicants, and shall conduct such examinations in the manner prescribed by the state superintendent. At the conclusion of the examination, the county superintendent shall forward the manuscripts in securely sealed packages to the state superintendent, together with such information, statements or affidavits as the state

superintendent may require. No person who is known to be of immoral character, or to be addicted to drunkenness, or who shall not have attained the age of eighteen years on or before the first day of October of the year in which said examination is held, shall be admitted to said examination.

Sec. 102. **Grading of Manuscripts.** Within a reasonable time after the receipt of the aforesaid manuscripts, it shall be the duty of the state superintendent to have them examined and graded by competent persons who are actively engaged in school work, such persons to be appointed by him for this purpose, and to issue certificates based thereon; **provided,** that not more than one certificate of the same kind and grade shall be issued to an applicant in any school year; but the state superintendent shall forward to each applicant taking more than one examination in the same year, a statement of the grades made by him in each examination taken; and in making up his certificate the applicant shall be given the benefit of his highest grade in each subject. Such certificate when so issued shall be forwarded by the state superintendent to the proper county superintendent, who shall countersign it and deliver it to the person entitled thereto; **provided,** that the state superintendent of schools may refuse to issue a certificate to any applicant whom he believes to have been guilty of giving or receiving assistance in the preparation of any manuscripts or of any other act which would warrant or justify the revocation of such certificate.

The state superintendent and each county superintendent shall keep a record of all certificates issued, showing the kind and grade of each certificate and the date of issue thereof; and the state superintendent and each county superintendent, upon vacating his office shall deliver said record to his successor.

Sec. 103. **Misdemeanor.** If any person intentionally opens or attempts to open a package containing questions for an examination before the time fixed by the state superintendent of schools for the distribution of such questions, or has any of the questions in his possession without authority of law or in any way makes any change, alteration or erasure in any manuscript after it has been submitted to those in charge of the examination, or makes any fraudulent substitution for any manuscript during or after the examination, or passes or attempts to pass any such examination under an assumed name, or intentionally and fraudulently gives or receives aid in passing an examination, he shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars ($25.00) and confined in jail not less than thirty days. If any county superintendent or examination assistant wilfully violates any of the official instructions issued by the state superintendent for the conduct of examinations, he shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars ($25.00) and may be confined in jail not less than ten nor more than thirty days, and such conviction shall vacate his office.

Sec. 104. **Elementary Certificates.** Subject to all the conditions set forth in this section, first grade elementary certificates valid for a period of five years shall be issued to all applicants who are otherwise qualified and who attain a general average of ninety per cent, with no subject below seventy-five per cent; second grade elementary certificates valid for a period of three years, shall be issued to applicants who are otherwise qualified and who attain a general average of eighty per cent, with no subject below sixty-eight per cent; and third grade elementary certificates valid for one year shall be issued to applicants who are

otherwise qualified and who attain a general average of seventy per cent, with no subject below sixty per cent; **provided,** that the third grade certificate shall not be issued more than twice to the same person.

The subjects in which applicants for said certificates shall be examined, or otherwise qualified according to law, shall be reading, spelling, writing, English grammar and language, arithmetic, physiology and hygiene, United States and West Virginia history, general and West Virginia geography, civil government, theory and art of teaching, elementary agriculture, and such other subjects as the state board of education shall from time to time prescribe.

It is provided, however, that on and after the first day of July, one thousand nine hundred and twenty-two, no person shall receive a first grade elementary certificate, who cannot satisfy, by certificate of credit or otherwise, the following conditions as to academic and professional attainments acquired by study in high schools and in normal schools, or in other schools of the same or higher grade, for the periods as indicated below; that is to say:

(1) From the first day of July, one thousand nine hundred and twenty-two, to the thirtieth day of June, one thousand nine hundred and twenty-four, applicants for first grade certificates shall have had at least one year of high school work and in addition thereto nine weeks' study of professional subjects.

(2) From the first day of July, one thousand nine hundred and twenty-four, to the thirtieth day of June, one thousand nine hundred and twenty-six, applicants for the first grade certificates shall have had at least two years of high school work and in addition thereto, eighteen weeks' study of professional subjects.

(3) From the first day of July, one thousand nine hundred and twenty-four, to the thirtieth day of June, one thousand nine hundred and twenty-six, applicants for the first grade certificates shall have had at least three years of high school work and in addition thereto twenty-seven weeks' study of professional subjects.

After the first day of July, one thousand nine hundred and twenty-six, the state board of education may at its discretion prescribe additional requirements for the granting of teachers' certificates.

The state superintendent of schools shall have authority to issue normal school certificates valid for five years, to graduates in the diploma course of any state normal school, or other schools approved for the offering of this course, to graduates in the diploma course of the Bluefield colored institute and of the West Virginia collegiate institute and to persons who have completed a normal course of study in any school of another state, which in the judgment of the state board of education, is equivalent in all respects to the diploma course of study in the state normal schools of this State.

Until the first day of July, one thousand nine hundred and twenty-two, first grade elementary certificates shall be valid in all the schools of the State, and thereafter they shall be valid in elementary schools and junior high schools. Second grade and third grade elementary certificates shall be valid in all the grades of the elementary schools, **provided,** that no person shall be employed as principal of any school of two or more rooms in the same building who does not hold a first grade certificate or its equivalent.

Sec. 105. **High School Certificates.** High school certificates valid for a period of five years shall be issued by the state superintendent of schools to applicants who have passed a satisfactory examination upon ten subjects to be designated by the state board of education.

The state superintendent of schools shall have authority to issue the high school certificate valid for five years, upon application in due form, to graduates of the West Virginia University, and to graduates of other approved colleges and universities, in this and other States; **provided,** that the collegiate courses of instruction completed by such graduates have included not less than twenty semester hours in professional subjects and, **provided, further,** that each high school certificate issued under the provisions of this act shall show the subject or subjects the holder thereof is especially qualified to teach.

High school certificates shall be valid in all high schools and elementary schools in the State; and after the first day of July, one thousand nine hundred and twenty-two, they shall be required in all classified high schools.

Sec. 106. **Supervisor's Certificates.** Supervisor's certificates valid for a period of five years shall be issued by the state superintendent of schools to applicants who have taught not less than two years on a first grade certificate, or who have had other experience which the state board of education regards as equivalent to two years of teaching, and who have passed a satisfactory examination upon such subjects as shall be designated by the state board of education.

The state superintendent of schools shall have authority to issue the supervisor's certificate valid for five years, upon application in due form, to graduates of the West Virginia University, or other approved universities or colleges and to graduates of the state normal schools or other institutions approved by the state board of education for the offering of the diploma normal course; **provided,** the course of instruction completed by such graduates shall have included not less than twenty semester hours in professional subjects, five semester hours of which shall have been in the subject of school supervision. Supervisors' certificates shall be valid in all the schools of the State.

Sec. 107. **Short Course Certificate.** The state superintendent of schools shall have authority, upon application in due form, to issue without examination the short course certificates, valid for a period of three years, to persons who are otherwise qualified and who have completed the short course in any of the state normal schools or other schools approved by the state board of education for the offering of this course, the short course in the West Virginia collegiate institute and the Bluefield colored institute, the normal training course in high schools that have been approved by the state board of education.

Such short course certificates shall be valid in the elementary and junior high schools in the State, and in the payment of salaries shall be considered as first grade certificates.

Sec. 108. **Special Certificates.** The state superintendent of free schools shall have authority, upon the recommendation of the state board of education, to issue special certificates to librarians, kindergarten teachers, primary teachers, and special teachers and supervisors of music, drawing, physical training, home economics, manual training, agriculture, and other vocational subjects, and such other subjects as the needs of the schools may require.

Special certificates may be issued upon examination or upon the satisfactory completion by the applicants therefor, of such courses of study as may be approved by the state board of education for the issuance of such certificates.

Special certificates shall be valid throughout the State for the teaching or for the supervising of the special subjects to be designated on such certificates.

Sec. 109. **Emergency Certificates.** Emergency certificates may be issued

by the state superintendent of schools in accordance with rules and regulations made therefor by the state board of education. Such certificates shall not be issued more than once to the same person, they shall be valid only in the county designated in the certificate, and they shall not be valid after the thirtieth day of June following the date of their issue. The grade of any such certificate shall be determined by the state superintendent of schools and the same shall be indicated on the face of the certificate.

Sec. 110. **Credit for Grades Made in School.** Nothing hereinbefore contained shall prevent the state superintendent of schools from accepting in lieu of an examination in any subject or subjects required for the granting of any certificate herein provided for, a satisfactory grade or grades made by the applicant in such subject or subjects in an approved college, normal school, or first class high school; **provided,** that such grade or grades have been given by such college, normal school or first class high school upon the satisfactory completion of not less than one year's work or the equivalent thereof, in each subject in which such substitution of grade is sought.

All certificates issued for a period of five years or longer, shall be considered first grade certificates as to renewal and payment of salaries.

Sec. 111. **Renewal of Certificates.** All first grade certificates, normal school certificates, high school certificates, supervisors' certificates and special certificates, issued after July first, one thousand nine hundred and twenty-two, shall upon their expiration or within the year immediately following, be renewable for five year periods; **provided,** that the holders thereof shall have been actively engaged in educational work for not less than three years of each five year period, and shall pass an examination on two reading circle books for the first renewal, and be recommended for such renewal by the county superintendent of schools of the county where the certificate was issued, or where the teacher holding such certificate has taught, without additional requirements whatever.

At the termination of the first renewal period of all first grade certificates issued after one thousand nine hundred and twenty-two, the holder thereof shall be granted a renewal for the period of five years upon the condition that he has taught three years of the five year period or been actively engaged in school work, and is recommended for renewal by the county superintendent of the county where he resides or has been teaching.

At the end of the second renewal period, the holder of any certificate of the first grade, issued after one thousand nine hundred and twenty-two, shall receive a similar certificate valid for life, if he has taught or been otherwise actively engaged in school work within the life of the certificate, for a period equal to the period of service required for second renewal, and no other requirements shall be imposed upon him. **Provided, however,** that the holders of certificates of the first grade which have been issued, or which shall be issued prior to July first, one thousand nine hundred and twenty-two, shall be renewable as follows:

First renewal on condition that the holder has taught or been actively engaged in school work for three years during the preceding five year period and is recommended for such renewal by the county superintendent where he resides or has been teaching. At the end of the first renewal period it shall be renewed on recommendation of county superintendent and passing an examination on two books of the reading circle course.

At the end of the second renewal period the holder of any certificate of the

rank of first grade shall be issued a similar certificate valid for life, if he has taught or been otherwise actively engaged in school work for three years during the life of the certificate, and is recommended for such renewal by the county superintendent of his county. No other conditions of any kind shall be required of the applicant for said renewals. (See additional provisions, p. 77.)

Sec. 112. **Revocation of Certificates.** The state superintendent may, after ten days' notice and upon proper evidence, revoke the certificate of any teacher for drunkenness, untruthfulness, immorality, or for any physical, mental or moral defect which would render him unfit for the proper performance of his duties as a teacher, or for any neglect of duty or refusal to perform the same or for any other cause which would have justified the withholding of a certificate when the same was issued.

Any county superintendent who knows of any immorality or neglect of duty on the part of any teacher shall report the same, together with all the facts and evidence, to the state superintendent for such action as in his judgment may be proper.

TEACHERS' INSTITUTES—COUPONS OF CREDIT

Sec. 113. **Time and Place of Holding Teachers' Institutes.** As a means of improving the teachers and fitting them for more effective service in the schools of the State, teachers' county institutes shall be held annually throughout the State, one or more in each county, at such times and at such places as the state superintendent, with the advice of the county superintendent, shall direct, and such institutes shall continue each for one week of five days. It is provided, however, that the state superintendent may vary the nature of the instruction in such institutes, and may arrange the time and duration of the same in such way as to promote the best interests of the schools.

Sec. 114. **Attendance Upon Institutes.** Every person employed as a teacher in the schools of this State shall be required to attend a county teachers' institute, or such other teachers' meeting as the state superintendent of schools shall prescribe for his group of teachers or kind of work, for at least five days in each year, or for the number of days more or less than five as may be prescribed by the said superintendent.

The county superintendent of schools may excuse, if requested, from attending the teachers' institute any teacher who has been in attendance for at least six weeks after January first of the year in which such excuse is sought, at a standard college, university, or state normal school, or other approved school, and who presents to said county superintendent a statement signed by the principal or president of the school showing what branches have been pursued and that the required work has been satisfactorily completed. The state superintendent of schools shall determine what schools shall be recognized and the nature and amount of the work which shall be accepted by said county superintendent in carrying out the provisions of this section. For such institute attendance the teacher shall be paid two dollars and fifty cents ($2.50) a day for not to exceed five days in any one year, such compensation to be paid out of the teachers' fund of the district at the end of his term of school. Teachers whose schools have been discontinued for any legal cause shall receive such portion of the total per diem as the number of months actually taught bears to the number of months in the school term provided for the district.

It shall be the duty of the county superintendent to see that teachers who do not attend institute or who have not been legally excused are not allowed to teach in his county during any year in which such failure occurs.

Sec. 115. **Filing of Certificate.** It shall be the duty of each teacher to file with the secretary of the board of education of the district in which he is employed, before the opening of his school, a certificate of institute attendance or an excuse therefrom signed by the county superintendent of schools.

If the county institute is held after the opening of his school, the teacher shall file his certificate of attendance within ten days after the close of the institute.

Sec. 116. **Instructors.** The institute shall be conducted by experienced and skillful instructors appointed by the state superintendent of free schools, but it shall be a part of the duty of the county superintendent under the instructions of the state superintendent, to make all arrangements for the institutes and to assist in conducting them.

Sec. 117. **Pay of Instructors.** The instructors appointed by the state superintendent shall be paid for their services and expenses out of the general school fund on the order of the state superintendent; **provided,** that the amount expended for teachers' institutes in the State for any year shall not exceed the amount appropriated by the Legislature for that purpose.

Sec. 118. **Enrollment Fee.** Every teacher enrolled in a county teachers' institute, or other teachers' meeting conducted in lieu thereof, shall pay an institute fee of one dollar and twenty-five cents ($1.25), two-fifths of which may be used by the county superintendent of schools for incidental expenses and for the betterment of the institute, and the other three-fifths of said fee, together with any remainder of said two-fifths allowed for incidental expenses, shall be remitted by the county superintendent of schools to the auditor of the State to be paid into the state treasury to the credit of the general school fund. An account of said expenses shall be submitted to the institute during its session for approval or disapproval. If any county superintendent of schools shall fail within a reasonable time to remit said portion of the institute fees in his county to the auditor, it shall then be the duty of the auditor to withhold payment of the salary of such county superintendent until such remittance has been received.

Sec. 119. **Report to be Made.** The county superintendent of schools shall, within five days after the close of the institute, forward to the state superintendent of schools a certified list of all persons enrolled at the county institute, giving the exact time each teacher was in attendance. Said county superintendent shall also forward to the state superintendent a certified statement of the receipts and expenditures as approved by the institute as provided in section one hundred twenty-one of this act, together with the receipts for all money expended.

Sec. 120. **District Institutes.** As a further means of improvement among the teachers, the county superintendent, or the district supervisor, with the consent of the county superintendent, shall arrange for and conduct district or joint district institutes, one or more for each district of the county within the school year. The county superintendent may also approve the attendance of the teachers employed in his county at a teachers' round table. Attendance upon district institutes or teachers' round tables as herein provided may be substituted for an equal amount of teaching at the discretion of the county superintendent, who shall report to the secretary of the board of education the attendance approved by him.

Sec. 121. **Reading Circles—Coupons of Credit.** Teachers shall be en-

couraged to form reading circles for the purpose of pursuing courses of study in professional subjects, and it shall be the duty of the state superintendent to prescribe a course of study in the said subjects, to provide for examining those who complete the said course and to issue certificates of merit to such persons as pass satisfactory examinations thereon.

The state superintendent of schools may also outline additional professional work and projects for teachers and issue coupons of credit, good only for the school year in which they are issued, to such teachers as complete such professional work or project satisfactorily. Such coupons when signed by the state superintendent and by the county superintendent shall entitle the holder thereof to one dollar a month additional salary for each coupon so held, payable by the district or independent district board of education at the expiration of the school term out of the teeachers' fund of such district.

COMPULSORY ATTENDANCE

Sec. 122. **Age—Time—Misdemeanor.** Every person who has legal or actual charge of a child or children not less than seven nor more than fourteen years of age shall cause such child or children each year to attend a free day school for the full school term of the district or independent district in which such person resides; **provided, however,** that such person shall be exempt from the foregoing requirement for any of the following causes:

(a) Instruction for a time equal to that required by this act in a private, parochial or other school approved by the district board of education. The principal or other person in control of such private, parochial or other approved school shall upon the request of the district board of education, furnish to said board such information as it may require with regard to the attendance and instruction of pupils between the ages of seven and fourteen years enrolled therein.

(b) Instruction for a time equal to that required by this act in the home of such child or children or elsewhere by a person or persons who are, in the judgment of the district board of education, qualified to give instruction in the subjects required to be taught in the free elementary schools of this State. The person or persons giving such instruction shall, upon the request of the district board of education, furnish to said board such information as it may require with regard to the attendance and instruction of pupils between the ages of seven and fourteen years receiving such instruction.

(c) Physical or mental incapacity for school attendance and the performance of school work.

(d) Death or serious illness in the immediate family of the pupil.

(e) Extreme destitution of parents or other person or persons in legal or actual charge of a child or children. Exemption for this cause shall not be allowed when such destitution is relieved through public or private means.

(f) Conditions rendering school attendance impossible or rendering it hazardous to the pupil's life, health or safety.

(g) Residence of the pupil at a distance of more than two miles from the nearest school by the shortest practicable road or path, unless free transportation to and from school is provided for such pupil.

(h) Observance of regular church ordinances.

(i) Other causes that are accepted as valid by the county superintendent or by the district supervisor of schools or by the superintendent of schools of an independent district.

Any person who, after due notice has been served upon him as hereinafter provided, shall fail to cause a child or children in his legal or actual charge to attend school as hereinbefore provided, shall be guilty of a misdemeanor and shall upon conviction thereof before any justice of the peace be fined not less than three dollars nor more than twenty dollars, together with the costs of prosecution, or confined in jail not less than five days nor more than twenty days. Each day a child is out of school contrary to the provisions of this act shall constitute a separate offense.

Whenever a person accused of violating the provisions of this act has been tried and acquitted, the costs of prosecution shall be paid by the district board of education out of the building fund of the district.

Sec. 123. **Attendance Officer—Duties.** The board of education of every district or independent district shall, at its first meeting or as soon thereafter as practicable, appoint one or more attendance officers, who shall qualify as such and shall enforce the provisions of this act in the districts or independent districts in which they have been appointed to serve; **provided, however,** that any school trustee may be appointed to serve as truant officer in his subdistrict. Each officer so appointed shall use due diligence to ascertain any violations of this law, and when from personal knowledge or by report or complaint from any resident or teacher of the district under his supervision, he believes that any child subject to the provisions hereof has been absent from school contrary to the provisions of this act, he shall immediately give written notice to the parent, guardian, or custodian of such child that the attendance of said child at school is required, and if the parent, guardian or custodian of such child does not comply with the provisions of this act at once, then such attendance officer shall make complaint against such parent, guardian or custodian before a justice of the peace of the county; and **provided,** that for subsequent offenses in any school year no such notice shall be required. When any doubt exists as to the age of a child absent from school, the attendance officer shall have authority to require a properly attested birth certificate or an affidavit from the parent, guardian, or custodian of such child, stating the age of such child. The attendance officer shall, in the performance of his duties as such officer, have authority to visit and enter any office, factory, or business house employing children; he shall also have the authority to arrest without warrant any child absent from school in violation of the provisions of this act and to place such child in the school in which such child is or should be enrolled. Said attendance officer shall be paid monthly at such rate per diem for the time actually spent in the performance of his duties as the board shall determine; but in no case shall payment for any month's services be made until the attendance officer has filed with the secretary of the district board of education the statement required by said board of education, together with a sworn statement of the number of truancy cases investigated and the time actually spent in performing such duties. When the attendance officer has faithfully performed his duties and filed the statement required, the district board of education, if satisfied that the same is just and correct, shall issue to him an order on the sheriff for the amount of his account, payable out of the building fund of the district.

Sec. 124. **Secretary to Furnish Enumeration List.** It shall be the duty of the secretary of the district board of education at the beginning of the school term to furnish to the teacher of each one-room school in the district a copy of the last school enumeration for the sub-district, together with the name and address of the attendance officer of the district. Such teacher shall at the opening of school and at such times as the district board of education may require, compare said enumeration list with the enrollment of the school and report to the attendance officer the names and residences of parents, guardians or custodians of children between the ages of seven and fourteen who are or have been absent from school without a legal excuse; also, the names and residences of parents, guardians, or custodians of children of compulsory school age not included in such enumeration list who are, or have been absent from school without legal excuse. The secretary of the district board of education shall furnish said enumeration list, together with the name and address of the attendance officer, to the superintendents, district supervisors or principals of all town and city schools and to the principals of all district schools of two or more rooms, and said superintendents, district supervisors, and principals shall make reports to the attendance officer concerning all cases of truancy as hereinbefore required of teachers of one-room schools.

Sec. 125. **Fine for Neglect of Duty.** Any school officer, attendance officer, district supervisor, superintendent, principal, teacher or other person upon whom a duty is imposed by this act who neglects or refuses to perform any duty or duties so imposed upon him shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than three dollars ($3.00) nor more than twenty dollars ($20.00) and may be imprisoned not to exceed twenty-five days.

Sec. 126. **Aiding or Abetting Violations of Compulsory Attendance.** Any person who induces or attempts to induce any child unlawfully to absent himself from school or who harbors or employs any child of compulsory school age while the school which he is required to attend is in session, or employs such child within the term of said school without the written permission of the county, district or city superintendent of schools shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00), or may be confined in jail not less than five days nor more than thirty days.

Sec. 127. **Fines Collected.** All fines collected under the provisions of this act shall be paid over at once by the justice to the sheriff, and by him credited to the building fund of the proper district; and every attendance officer shall make to the secretary of the district board of education and to the sheriff an itemized statement on the last day of each month of all fines imposed as provided herein.

Sec. 128. **Unemployed Children over Fourteen and Under Sixteen Shall Attend School.** Every child over fourteen and under sixteen years of age who is not engaged in some regular employment or business for at least six hours per day or who has not received written permission from the superintendent of schools of the city or county in which he resides, to engage in profitable employment at home, shall attend a public day school or other day school approved by the board of education of his school district or independent school district during the entire time the public schools are in session, subject to such exemptions

as are provided for in section one hundred twenty-five* of this act, except that no child over fourteen and under sixteen years of age shall be exempt from school attendance as herein required for the reason that he has completed an eight-years' course of study in the elementary and grammar schools or junior high schools of the State, if a high school or other school of advanced grades is provided within two miles of his home.

Sec. 129. **Children Over Fourteen and Under Sixteen Who Are Employed Shall Attend Evening or Part-Time Day Schools.** Every child over fourteen and under sixteen years of age who is engaged in regular employment or business for six or more hours during the day shall attend an evening school, part-time day school or other continuation school for at least five hours per week for a period of twenty weeks, or for such period as such school is in session, if it is in session less than twenty weeks; provided, there is an evening school, part-time day school or other continuation school approved by the board of education of the district in which such child resides, within two miles of such child's home or temporary place of residence. Individuals, firms and corporations employing children over fourteen and under sixteen years of age shall, if necessary to enable such children to attend an evening school, part-time day school or other continuation school as herein required, release such children from work for at least five hours per week for a period of not less than twenty weeks each year. All children over fourteen and under sixteen years of age shall be included as a separate class in the enumeration list required in section ninety-five of this act. The requirements of this section shall be enforced by the persons and in the manner prescribed for the enforcement of the requirements of sections one hundred twenty-five to one hundred thirty-one, † inclusive, of this act.

Sec. 130. **Compulsory Education of the Deaf and the Blind.** Every parent, guardian or other person having control of any mentally normal minor over eight years of age who is defective in sight or hearing to the extent that he can not be benefited by instruction in the public schools, shall be required to send such minor to the West Virginia Schools for the Deaf and the Blind at Romney. Such minor shall continue to attend said schools for a term of at least thirty-six weeks each year until he has completed the course of instruction prescribed for said schools by the state board of education, or until he has been discharged by the superintendent of said schools. It is provided, however, that minors of the Negro race who come under the requirements of this section shall be placed in a separate school or schools located at such place or places as may be determined by the state board of control.

Any such deaf or blind minor shall be exempt from attendance at said schools for any of the following reasons:

1. Instruction by a private tutor or in another school approved by the state board of education, for a time equal to that required by the first paragraph of this section.

2. Physical incapacity for school work.

3. Any other reason deemed good and sufficient by the superintendent of said schools, with the approval of the state board of education.

Any parent, guardian or other person in charge of such minor or minors who fails or refuses to comply with the requirements of this section shall be guilty

*Refers to section one hundred twenty-two.
†Refers to sections one hundred twenty-three to one hundred twenty-seven.

of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars ($10.00) nor more than thirty dollars ($30.00) for each offense.

Failure for the period of one week within the school year to send such minor to school shall constitute an offense; **provided,** that the time necessary for such minor to travel from his home to Romney shall not be counted as time absent from school.

Any person who induces or attempts to induce such blind or deaf minor to absent himself from school or who employs or harbors such minor unlawfully, while said schools are in session shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty dollars ($20.00) nor more than fifty dollars ($50.00) for each offense.

It shall be the duty of school attendance officers, prosecuting attorneys and any special attendance officers appointed by the said schools for the deaf and the blind to enforce the provisions of this section.

It shall be the duty of the public school teachers of each county to furnish to the county superintendent of schools of their county the names of deaf or blind persons in their sub-districts between the ages of six and twenty-five years together with information as to the age, sex and race of each such deaf or blind person. The county superintendent of schools shall certify the names of all such persons with the names and addresses of their parents or guardians to the superintendent of the schools for the deaf and the blind at Romney.

It shall be the duty of the state superintendent of schools to provide suitable blanks for the enumeration of such deaf and blind persons to each county superintendent for distribution among teachers and others responsible for taking the school enumeration. The enumeration of such deaf and blind persons shall be taken at the time the regular school enumeration is taken and shall be reported to the superintendent of the schools for the deaf and the blind at the time that the regular school enumeration is reported to the state superintendent of schools.

VOCATIONAL EDUCATION

Sec. 131. **Acceptance of Federal Act.** The provisions of an act of congress entitled "an act to provide for the promotion of vocational education; to provide for co-operation with the states in the promotion of such education in agriculture and the trades and industries; to provide for co-operation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures," are hereby accepted by the State of West Virginia as to:

(a) Appropriations for the salaries of teachers, supervisors or directors of agricultural subjects.

(b) Appropriations for salaries of teachers of vocational and industrial subjects.

(c) Appropriations for the training of teachers of vocational subjects.

Sec. 132. **Custodian of Funds.** The state treasurer is hereby designated as the custodian of funds to be paid into the treasury of this State for vocational education and shall receive money paid to the state from the United States Treasury under the provisions of said act of congress and shall pay the same upon the warrant of the auditor of state when the same is certified by the state board of control.

Sec. 133. **State Board.** The state board of education is hereby designated as the state board to carry out the provisions of said act so far as the same relates to the co-operation of the states and federal government and shall have full power to do all things necessary in the formulation on execution of plans for the promotion of education in agriculture, in trades and industries and to formulate and execute plans for the preparation of teachers of vocational subjects.

STATE EDUCATIONAL INSTITUTIONS

Sec. 134. **West Virginia University, Name, Location, Control.** The West Virginia University, created and established by chapter one hundred twenty-three, sections seventy-six and seventy-seven, of the acts of the Legislature of one thousand eight hundred seventy-two and one thousand eight hundred seventy-three, shall hereafter remain where now located and shall continue to be known as the West Virginia University. On and after the first day of July, one thousand nine hundred nineteen, said university shall be under the control and management of the state board of education as provided in section seven of this act, and the state board of control as provided in section four of chapter fifteen-*m* of Barnes' code of nineteen hundred and sixteen.

Sec. 135. **Powers and Duties of the President.** The president of the university shall be president of the general faculty and of the faculties of the several colleges and departments thereof, and the executive head of the university in all its departments. Subject to the authority herein vested in the state board of education, he shall give general direction to the administrative affairs and to the scientific investigations of the university and of its several departments. And subject to the orders of the board, he shall have authority, in the recess of the board, to remove any employee or subordinate officer, who is not a member of the faculty, and supply for the time any vacancy that may occur by such removal or otherwise.

Sec. 136. **The President Shall Make Biennial Reports.** On or before the end of each biennial period the president of the university shall make a report to the state board of education and the state board of control showing in detail the progress and condition of the university during such biennium, and such other detailed information about the affairs and the control of the university as the said boards may request or as he may deem wise to communicate.

Sec. 137. **Colleges, Schools, Departments.** In consultation with the president of the university, the state board of education shall have authority to establish and to maintain in the university such colleges, schools, departments and divisions as from time to time may be expedient, and shall provide for the organization and management of the same.

Sec. 138. **Admission and Graduation of Students.** The rules and regulations made by the president and faculties of the university governing the admission of students to the university, the standards of scholarship to be maintained, the conferring of degrees and the granting of diplomas, certificates and other evidences of work done by students of the university, shall be submitted to the state board of education for its approval. The rules and regulations made by said president and faculties for the general government of the university shall in like manner be submitted to said board for its approval.

Sec. 139. **Agricultural Extension Division.** In order to promote the

improvement and advancement of agriculture, domestic science, and rural life among the people of the several counties of the State of West Virginia, there is hereby created and established in the college of agriculture, at West Virginia University, an agricultural extension division to be co-ordinate with the resident instruction division and the agricultural experiment station. The work of the agricultural extension division of the College of Agriculture shall be conducted under such rules, regulations and methods as may be approved by the state board of education, but every expenditure under this section shall be approved by the state board of control. Said extension work shall consist of holding extension schools in the various counties of the State, at which instruction shall be given in soil fertility, horticulture, stock raising, crop production, dairying and other branches of agriculture, domestic science and kindred subjects; of conducting farmers' institutes; of furnishing speakers and exhibits for special agricultural trains; of giving instruction and demonstrations at agricultural fairs, farmers' institutes, clubs, granges, or other organizations that may be useful in extending agricultural knowledge; of conducting, in co-operation with school officials and the United States Department of Agriculture, boys' and girls' agricultural clubs; of appointing county agricultural and home demonstration agents and supervising and assisting them in advancing the agricultural and home interests of their respective counties or districts by encouraging demonstrations in orcharding, soil improvement, crop production, stock raising and other phases of agriculture, home economics and kindred subjects, as provided for in section twenty-eight, chapter thirty-nine of the code of West Virginia; of giving instruction by mail in agriculture, domestic science and kindred subjects; of publishing bulletins, circulars and newspaper articles; and of such other methods as may carry the benefits of the work of the college of agriculture, the agricultural experiment station and the United States Department of Agriculture to the people of the several counties of the State, as provided for in the Federal Smith-Lever Act of May eighth, one thousand nine hundred fourteen, and accepted by the State of West Virginia in Senate Joint Resolution number four, adopted February one, one thousand nine hundred fifteen; and all such itinerant educational work in agriculture and home economics carried on under appropriation by or to this State, shall be under the control and supervision of said agricultural extension department.

Sec. 140. **Military Training.** Male students of suitable age in the university shall be required, under such regulations as the state board of education shall prescribe, to enroll in the department of military science. Said students shall serve for the time required by said regulations and shall be entitled to such special privileges and immunities as the state board of education may determine. The state board of education shall have authority to accept appropriations, material and other benefits from the Federal Government on account of any federal law providing for aid to the West Virginia University for giving instruction in military science and to co-operate as far as practicable with the Federal Government for such purpose.

Sec. 141. **Extension in General.** The state board of education is hereby authorized and empowered to organize and conduct, through the organization of the different colleges, schools, or departments of the university, extension work in the form of schools, classes, lectures and other forms of instruction, throughout the State, in order that the benefits of the university may reach all parts of the State.

Sec. 142. **Endowment for Agricultural College.** The funds derived from the sale of United States land warrants which have been donated to this State for the purpose of endowing an agricultural college shall be invested by the board of the school fund in a loan of public stock of the United States or otherwise, as required by Congress, for the use and benefit of the university, and as set forth in the acts of the Legislature of one thousand eight hundred seventy-two and seventy-three, one thousand eight hundred eighty-one, one thousand nine hundred eight, and one thousand nine hundred nine.

Sec. 143 **Federal Appropriations.** For the uses and purposes of the West Virginia University there is hereby set apart such sum or sums of money as shall accrue from the annual appropriation made by the Act of Congress, approved August thirtieth, one thousand eight hundred ninety, known as the "Morrill Fund" and all other sums of money that may at any time be appropriated by Act of Congress for the benefit of the West Virginia University, and the treasurer of this State is hereby designated as the proper officer to receive from the Secretary of the Treasury of the United States the said sum or sums of money to be paid into the treasury of this State under said act or acts of congress and the state board of control shall have general supervision and control of said sum or sums of money as is now provided by the act creating the said state board of control.

Sec. 144. **Agricultural Experiment Station.** The State of West Virginia hereby assents to the Act of Congress approved July second, one thousand eight hundred sixty-two, entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agricultural and mechanic arts" and to all other acts passed since that one re-enacting or amending it and accepts from the government of the United States the grants of money authorized by said Act of Congress, and assents to the purpose of said grants. In the Act of West Virginia Legislature passed March second, one thousand eight hundred eighty-seven, establishing a department in the West Virginia University, known as the "West Virginia Agricultural Experiment Station" is hereby re-enacted for the purposes enumerated and the state board of control and the state board of education are authorized and empowered as is now provided by law to carry out the provisions of these several acts.

Sec. 145. **Anatomical Board; Use of Dead Bodies.** Chapter thirty-two of the Acts of the Legislature of one thousand nine hundred one, providing for the dispostion of dead human bodies by persons in charge of any almshouse, prison, morgue, hospital, asylum or other place included in said act shall remain in full force.

Sec. 146. **Financial Support.** The Legislature shall make the necessary appropriations for the financial support of the West Virginia University.

Sec. 147. **State Normal School.** The provisions of all acts of the Legislature relating to the West Virginia State Normal School and its branches shall be and remain in full force except so far as the same may be altered by this act.

The "West Virginia State Normal School" established under and by virtue of an act passed February twenty-seventh, one thousand eight hundred sixty-seven, entitled "An act for the establishment of a state normal school," shall be and remain at Huntington in the County of Cabell, as provided in said act. The branch of the state normal school established at Fairmont, under and in pursuance of the act passed March fourth, one thousand eight hundred and

sixty-eight, entitled "An act providing for the purchase of the West Virginia normal school at Fairmont," the branch of the West Virginia state normal school established at West Liberty, under and in pursuance of the act passed March first, one thousand eight hundred and seventy, entitled "An act to establish a branch normal school at West Liberty, in Ohio County;" the branch of the state normal school established at Glenville, under and in pursuance of the act passed the nineteenth day of February, one thousand eight hundred and seventy-two entitled, "An act to establish a branch normal school at Glenville, Gilmer County;" the branch of the state normal school established at Shepherdstown, under and in pursuance of the act passed and approved February fourteenth, one thousand eight hundred and seventy-two, entitled "An act to establish a branch normal school at Shepherdstown, in the county of Jefferson;" and the branch of the state normal school at Athens, in Mercer County, established by the act passed the twenty-eighth day of February, one thousand eight hundred and seventy-two entitled, "An act to locate a branch state normal school at Concord, in the county of Mercer," shall each be and remain at the place where said institution is now located. The state normal school and its branches named in this section, shall be under the control and management of the state board of education, as provided by section seven of this act, and of the state board of control, as provided in section four of chapter fifteen-*m* of Barnes' code of one thousand nine hundred and sixteen. On and after the first day of July, one thousand nine hundred and nineteen, said normal school and its branches shall each be known as a state normal school, and none shall be known as a branch of the one first established, and shall be designated respectively as "Marshall College," "Fairmont State Normal School," "West Liberty State Normal School," "Glenville State Normal School," "Shepherd College State Normal School," and "Concord State Normal School." The function of said normal schools shall be the preparation of teachers through such courses of study as the faculties may prescribe with the approval of the state board of education. The rules and regulations made by the president or other head and the teachers of each of said normal schools for the general government of such school and for the admission of students thereto, the standards of scholarship to be maintained therein, and the graduation of students therefrom, shall be submitted to the state board of education for its approval. The president and the teachers of each of said normal schools shall be men and women of broad and liberal education, as evidenced by the possession of a bachelor's degree from a standard college or university, or the equivalent thereof, as a minimum requirement. The Legislature shall make the necessary appropriations for the financial support of each of the said normal schools.

Sec. 148. **Preparatory Branch of The State University.** The preparatory branch of the state university heretofore established at Keyser, in Mineral County, shall remain where now located and on and after the first day of July, one thousand nine hundred and twenty-one, shall be known as the "West Virginia Vocational School," which shall be under the control and management of the state board of education, as provided by section seven of this act, and of the state board of control, as provided by section four of chapter fifteen-*m* of Barnes' code of one thousand nine hundred and sixteen. The rules and regulations made by the principal and teachers of this institution for its general government shall be submitted to the state board of education for its approval. Said vocational school shall offer instruction in agriculture, home economics,

industrial subjects and such other subjects as the state board of education may direct. The Legislature shall make the necesssary appropriations for the financial support of said institution.

Chapter seventy of the acts of the Legislature of one thousand nine hundred and seventeen, regular session, is hereby repealed.

Sec. 149. **The West Virginia Trades School.** The West Virginia Trades School heretofore established at Montgomery shall remain where now located and shall be under the control and management of the state board of education as provided by section seven of this act, and of the state board of control as provided in section four of chapter fifteen-*m* of Barnes' code of one thousand nine hundred and sixteen. The rules and regulations made by the principal and the teachers of said trades school for its general government shall be submitted to the state board of education for its approval. In addition to academic courses of secondary grade, the state board of education shall have authority to provide for the teaching of other courses of secondary grade consistent with the name of said school and shall do whatever may be necessary to comply with the act of congress passed the ninth day of January, one thousand nine hundred and seventeen, granting federal aid to schools in the several states offering instruction in trades and vocations. All students of this State shall receive instruction in any of the vocational courses maintained in said school free of tuition. Said trades school shall be supported in the manner provided for the support of other state educational institutions.

Sec. 150. **The West Virginia Collegiate Institute.** The institution for the instruction of colored students located at Institute in the county of Kanawha and designated by an act of the Legislature of one thousand eight hundred and ninety-one, regular session, chapter sixty-five, as "The West Virginia Collegiate Institute," shall remain where now located, and shall have and hold all the property, funds, rights, powers and privileges granted to said institution in said chapter sixty-five of the acts of the Legislature of one thousand eight hundred and ninety-one, and all subsequent acts relating thereto.

Said institute shall be under the control and management of the state board of education and the state board of control, as provided herein for other state educational institutions.

The state board of education shall establish and maintain in the West Virginia Collegiate Institute, in addition to the departments already established, such college courses of study as may be expedient and possible and shall prescribe the conditions for graduation therein and make rules for the conferring of degrees and for issuing the proper diplomas to those who complete such courses, as in the case of other state educational institutions.

The West Virginia Collegiate Institute shall have power and authority to do extension work in agriculture, home economics, and such other subjects as the state board of education may direct, among the Negro population of West Virginia.

The treasurer of the state is hereby designated as the officer to receive from the secretary of the treasury of the United States the said several sums of money to be paid into the treasury of this State by the federal government for the uses and purposes named in any grants for said institute. He shall keep an exact account of the moneys so received, and shall place to the credit of each of said beneficiaries thereof its due proportion of the same. The sums so placed to the credit of the West Virginia Collegiate Institute shall be paid out by him on

the order of the state board of control. And said treasurer shall include in his biennial report to the governor a statement of his receipts and disbursements under the provisions of this act.

The rules and regulations made by the president and faculty of said institute for its general government and for the admission of students thereto, the standards of scholarship to be maintained therein, and the graduation of students therefrom, shall be submitted to the state board of education for its approval.

The Legislature of the State of West Virginia hereby accepts for said State the terms and provisions of the act of congress of the United States approved August thirteith, one thousand eight hundred and ninety, for the objects and purposes mentioned and declared therein, and designates "The West Virginia University," established in pursuance of the act of congress of the United States passed July two, one thousand eight hundred and sixty-two, and a subsequent act passed by said congress on April nineteen, one thousand eight hundred and sixty-four, at Morgantown, in the county of Monongalia, in this State, as a beneficiary of said appropriation for the instruction of white students, and "The West Virginia Collegiate Institute," for the beneficiary of said appropriation for the instruction of colored students, to be paid to each in the proportion mentioned in chapter sixty-five of the acts of the Legislature of one thousand eight hundred and ninety-one and chapter twenty-seven of the acts of the Legislature of one thousand nine hundred and eight. And the said institution by the name of "The West Virginia Collegiate Institute," shall have and hold all the property, funds, rights, powers and privileges herein mentioned.

The Legislature shall supplement the funds received from the federal government as aforesaid, by making such appropriations from time to time as may be necessary for the further support of the West Virginia Collegiate Institute.

Sec. 151. **The Bluefield Colored Institute.** The Bluefield Colored Institute shall remain where now located, and shall be known as the "Bluefield Colored Institute." Said institute shall be under the control and management of the state board of education as provided by section seven of this act, and of the state board of control as provided by law for other state educational institutions. The rules and regulations made by the principal and faculty of said institute for its general government and for the admission of students thereto, the standards of scholarship to be maintained therein, and the graduation of students therefrom, shall be submitted to the state board of education for its approval. The Legislature shall make from time to time such appropriations as may be necessary for the financial support of said institute.

Sec. 152. **The West Virginia Schools for the Deaf and the Blind—Name—Location—Management—Purpose.** The West Virginia schools for the deaf and the blind heretofore established shall remain at Romney and be known as "The West Virginia Schools for the Deaf and the Blind," and shall be maintained for the care and training of the deaf and the blind of the State as provided by law. The schools shall be under the control and management of the state board of education and the state board of control as provided in this chapter for other state educational institutions.

Sec. 153. **Admission.** All such deaf and blind youth resident in the State, between the ages of eight and twenty-five years, shall be admitted to the institution on application to the principal. It shall be the duty of the principal to keep a careful record of the names of all applicants, with the dates of their admis-

sion and discharge, their age, post office address, the name of their parents or guardians, and the degree, cause and circumstances of their deafness or blindness.

Sec. 154. **Clothing.** All such deaf and blind pupils shall be admitted as above directed without charge for board and tuition; and when not otherwise provided with clothing they shall be furnished therewith by the institution while they are pupils therein, and the principal shall make out an account therefor in each case against the respective counties from which said pupils come, in an amount not exceeding forty dollars per annum for every such pupil, which account shall be sworn to by the principal and countersigned by the secretary, and which shall be transmitted by the principal to the auditor of the state, whose duty it shall be to transmit a copy of the same to the clerk of the county courts of the respective counties in which such pupils live, and the county courts of such counties shall thereupon, at their next session thereafter held for the purpose of making a county levy, include in such levy the amount of said account against their counties, and cause an order to be issued on the sheriff of the county in favor of the auditor of the state, and cause the same to be transmitted by the clerk of said court to the auditor whose duty it shall be to collect the same and place it to the credit of the institution, to be drawn out upon a requisition as a part payment of the current expenses of said school. If the same is not paid to the auditor by the respective counties from which they are due in a reasonable time, it shall be the duty of the auditor to collect the same by law.

Sec. 155. **Period of Attendance—Special Admissions.** The pupils of said school may continue therein five years, and for as much longer as in the discretion of the board and principal their condition and progress would seem to justify. After all the applicants between the prescribed ages of eight and twenty-five years have been admitted, if there are accommodations, the principal may admit other deaf and blind persons who may be of suitable age to receive any advantage from the institution, and upon such terms as the board may prescribe; but it shall be distinctly understood that such persons shall withdraw from the institution in the order of their admission to make room for new applicants between the ages prescribed.

Sec. 156. **Course of Instruction.** The course of instruction in the institution shall be prescribed by the state board of education with the advice of the principal, and shall be as extensive both in the intellectual, musical and mechanical departments as the capacities and interests of the pupils may require.

Sec. 157. **Registration.** In addition to their other duties the assessors of the State are hereby required to register in a book to be furnished them by the auditor for the purpose, the names of all the deaf and the blind persons in their respective districts, with the degree and cause of deafness and blindness in each case as far as can be ascertained, from the heads of the families, or from other persons whom the assessors may conveniently consult, their ages, the names of their parents or guardians, their post office addresses and such other facts as may be useful in making the said institution efficient in ameliorating the conditions of the deaf and the blind. They shall complete the registration as early as possible and forward their report to the auditor who shall, if practicable, before the first day of July or as soon thereafter as possible, make an alphabetical abstract of all the facts furnished him by the assessors' reports and shall send the same by mail to the principal of the West Virginia schools for the deaf and the blind, and said principal is hereby further required to put himself into immediate

correspondence with all the deaf and dumb persons of suitable age and condition mentioned in the auditor's abstract, with a view to their admission as pupils into said school.

Sec. 158. **Compensation for Registration.** The assessors shall receive for the extra duties hereby imposed the same compensation as now allowed them for the registration of births and deaths, and shall be liable to the same penalties for failure to discharge their duties.

Sec. 159. **West Virginia Industrial School for Boys—Name—Location—Purpose—Management.** The West Virginia reform school, established by chapter three of the acts of one thousand eight hundred and eighty-nine shall hereafter be known and designated as the "West Virginia industrial school for boys" and shall be conducted in the buildings heretofore and hereafter erected for that purpose at Pruntytown in Taylor county. This school shall be exclusively charged with the care and training of male youth of the State, but white and colored shall be kept separate. It shall be managed, controlled and governed by the state board of control, as provided in chapter fifty-eight of the acts of one thousand nine hundred and nine and all subsequent acts relating thereto.

Sec. 160. **Commitments.** Any male youth under the age of eighteen, and not under the age of ten years, may be committed to and received into the West Virginia industrial school for boys for the reasons and in the manner following:

1. By a justice of the peace of the county in which he resides on complaint under oath and due proof made to him, by the parent, guardian or other person having the custody and control of such youth, that by reason of incorrigible or vicious conduct such youth has rendered his control beyond the power of the parent, or guardian or such other person, and made it manifestly requisite that, from regard for the morals and future welfare of such youth and the peace and order of society, he shall be placed in said school.

2. By the same authority, upon complaint under oath and due proof before the justice that such youth is vagrant, incorrigible or vicious in disposition and conduct, and that his parents, guardian, or other person having custody of or authority to control him, are depraved or otherwise unfit, unwilling or unable to exercise care or discipline over such youth.

3. By the several courts of this State, as provided in the next section.

Sec. 161. **Convicts.** Whenever any male youth under the age of eighteen years, shall be convicted in any of the courts of this State of felony or a misdemeanor, punishable by imprisonment, the judge of said court in his discretion, and with reference to the character of the industrial school as a place of correction and not of punishment, instead of sentencing said youth to be confined in the penitentiary or county jail, may order him to be removed to and confined in the said industrial school, to remain until he shall have arrived at the age of twenty-one years, unless sooner discharged by the state board of control. Male youth under eighteen years of age, convicted in any of the courts of the United States for the districts of West Virginia, of any offense punishable by imprisonment, may also be received into said industrial school upon such regulations and such terms for their maintenance and support as may be prescribed by the state board of control, and assented to by the proper authorities of the United States.

Sec. 162. **Data Accompanying Commitment.** It shall be the duty of a justice of the peace when committing a youth to the industrial school under the

first and second clauses of section one hundred sixty-three* of this act, in addition to the commitment, to annex to said commitment the names and residences of the different witnesses examined before him, and the substance of the testimony given by them respectively, on which the adjudication was found, together with full answers to such interrogatories respecting the history of the case and the mental and physical health of the youth, as shall be prescribed by the board of control, and furnished in printed form, on application, by the superintendent of the industrial school.

Sec. 163. **Proceedings for Commitment.** In all proceedings before justices of the peace for commitment of youth to the industrial school under the first and second clauses of section one hundred sixty-three* of this act, the justice shall appoint some discreet and disinterested person guadrian **ad litem** of such youth, whose duty it shall be to represent the interests of the youth and to see that no injustice is done him; and the guardian **ad litem** or the youth shall have the right to demand a jury of twelve men to try the truth of the charges made against the youth, and the jury shall be selected, and the trial shall be conducted in the same manner as is provided by law for the trial of criminal cases before justices by juries. And the guardian **ad litem** or the youth shall have the same right of appeal from any final decision rendered against the youth in any such proceedings, whether upon a trial by jury or otherwise, as is allowed by law in other criminal cases tried before justices.

Sec. 164. **Commitment Fees.** Justices, constables and jurors shall receive the same fees in a proceeding for committing a youth to the industrial school as are allowed by law for similar services in misdemeanor cases, and such fees shall be paid in like manner as fees of such officers and persons are paid in misdemeanor cases.

Sec. 165. **Conveyances of Youth to School—Expense.** As soon as is practicable after a youth, on any account, is committed to the industrial school the papers in the case shall be mailed to the superintendent, and such youth shall remain in the custody of the court pronouncing such commitment, until he be delivered to an officer of the industrial school, who shall be sent without delay, and duly authorized by the superintendent to conduct such youth by the most direct and convenient route to the said school; but no youth committed to the industrial school shall be lodged in any jail or lockup, if he be under the age of twelve years. The superintendent shall, in so far as is consistent with the safe conveyance of youth to the school, cause as many youths as may be committed from the same or several counties to be conducted to the school at the same time. The expense incurred in conducting a youth to the industrial school, including transportation and other necessary traveling expenses of the youth and of his conductor, shall be paid by the county court out of the treasury of the county from which the youth was committed to the school, and a written statement of such necessary expenditures, fully itemized and sworn to by the officer making such expenditures, and attested by the superintendent of the school, when presented to any county court, shall be a bill against such court, to be paid to the industrial school, and credited to that fund of the school from which the original expenditure was made; but when two or more youths shall be so conducted from more than one county, the necessary expenditure on the personal account of the conductor shall be apportioned among the counties concerned in

*Refers to section one hundred sixty.

due proportion to the mileage traveled by the youth from the respective counties.

Sec. 166. **Offenses.** If any person shall entice or attempt to entice away from the industrial school any youth legally committed to the same, or shall aid or abet any youth to escape from the industrial school, or shall harbor, conceal or aid or abet in harboring or concealing, any youth who shall have escaped therefrom or shall, without the permission of the superintendent, give or sell, or aid or abet any other person to give or sell, to any youth in the industrial school, whether on the premises of such institution or otherwise, any money, firearms, intoxicating drinks, tobacco, cigarettes, or other articles whatsoever, or shall in any way cause or influence, or attempt to cause or influence or aid or abet therein, any youth in the industrial school to violate any rule of the institution or to rebel against the government of said school in any particular, or shall receive by the hands of any such youth anything of value, whether belonging to the State or otherwise, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten, nor more than one hundred dollars, or be confined not more than twelve months in the county jail, or both fined and imprisoned as aforesaid, as the court may deem proper. And the superintendent, or any of his assistants or any one authorized in writing by him, or any sheriff, constable, policeman or other peace officer, shall have power, and it is hereby made his duty to arrest any youth when in his power to do so who shall have escaped from said school, and return him thereto.

Sec. 167. **Transfers Between School and Penitentiary.** In any case where a youth is committed to the industrial school for an offense punishable by confinement in the penitentiary and it is found by the state board of control that the industrial school is unable to benefit such youth, and that his presence is a detriment or meance to other youth in the institution, or to the general good of the school, he may be securely returned to the court which sent him, and said court shall thereupon pass such sentence upon him as to confinement in the penitentiary as may be proper in the premises, or as it should have done had it not sentenced him to the industrial school. And the governor shall have power, when in the judgment of the warden of the penitentiary and of the superintendent of the industrial school, it is advisable, to remit the penalty of any offender under the age of eighteen years confined in the penitentiary, to a commitment to the industrial school.

Sec. 168. **Payments by Counties of Cost of Detention—Reimbursement.** The county court of every county shall pay into the state treasury the sum of fifty dollars a year on account of each youth from the county who shall be received in said school of the first, second or third classes mentioned in section one hundred sixty-three*. But in all cases of youth received in said school of the first class mentioned in section one hundred sixty-three*, the parent, if of sufficient means, and the guardian where the youth has sufficient estate, shall annually reimburse the county the amount paid into the state treasury, by virtue of this section, on account of such youth mentioned in the first class of section one hundred sixty-three* and the county court of such county shall have a right to recover the same of such parent or guardian in any court of competent jurisdiction.

Sec. 169. **Lists of Inmates for Auditor—Application of County Funds.** The superintendent of said school shall before the tenth day of January in each

*Refers to section one hundred sixty.

year, make out and certify to the auditor and the state board of control each a list by counties of all such youth as are mentioned in the preceding section, who are kept in the school during the preceding year or any part of it, showing as to each youth what part of the year he was so kept in the school, and to which class he belonged. On receiving such list the auditor shall charge to each county fifty dollars on account of each youth who was kept in such school during the preceding year, and a proportionate amount on account of each youth kept in school for any part of such year less than the whole. Any money in the treasury of the state to the credit of any such county from whatever source arising, and not appropriated to pay any other debt of the county to the State, shall be applied, so far as necessary to the payment of the sums so charged; if any sum in the treasury due the county shall not be sufficient to pay the whole amount so charged against it, such sum shall be applied as a credit on the amount charged, and the balance shall remain a charge against the county.

Sec. 170. **Certification of List and Credits to County Court—Levy—Compelling Payment.** Within ten days after receiving such list the auditor shall certify to the county court of such county a list of the youth from the county in such school, stating the class to which each belongs, the length of the term during the year he was in such school, as shown by the list certified by the superintendent and the amount due from the county on his account and the total amount due on account of all. He shall credit on such statement whatever amount has been applied as a payment thereon from any funds of the county in the treasury. Such statement shall be a receipt to the county for any amount so credited, and shall be a bill for any amount still appearing to be due from the county. Unless the bill shall have been paid by the application of funds of the county in the state treasury, the county court shall at its next levy term provide for the payment of the same, or such part as may not have been paid, and cause the amount to be paid into the state treasury. If the amount so due from any county be not paid in a reasonable time after such levy term, the auditor may, in the name of the State, apply to the circuit court of the county for a mandamus to require the county court to provide for and to pay the same, or he may proceed in the name of the State by any other appropriate remedy to recover the same.

Sec. 171. **Parole.** The state board of control shall have authority, under such rules and regulations as they may prescribe, to grant, on recommendation of the superintendent, a parole to any inmate of the industrial school; but while said inmate is on such parole, and until he is discharged according to law, he shall remain in legal custody of the board of control and subject at any time to be returned to the industrial school, if in the judgment of the board the interests of such paroled inmate will best be served thereby. The written order of said board, certified by the superintendent shall be sufficient warrant for any officer named therein to arrest and return to the school said paroled inmate, and it is hereby made the duty of any peace officer, or other person, so named, to make such arrest and return such youth to the industrial school. All actual expenses incurred in returning to the school paroled inmates shall be paid out of funds appropriated for the maintenance of the industrial school.

Sec. 172. **Industrial Home for Girls—Name—Location.** "The West Virginia Industrial Home" shall remain where now located.

Sec. 173. **Admission.** Girls eligible to be received into said home are those who are from seven to eighteen years of age, and who may be committed by any

justice of the peace of this State, on complaint and due proof made to him by the parent, guardian, or next friend of such girl, that by reason of incorrigible or vicious conduct, such girl has rendered her control beyond the power of such parent, guardian or next friend, and made it manifestly best that such girl should be placed in said home, or by any criminal, circuit or intermediate court of this State. Girls may be committed for vagrancy up to eighteen years of age, or where parents, guardians, or next friends agree and contract with the state board of control for their support and maintenance, or girls up to fifteen years of age, who may be found in houses of ill fame or assignation houses, upon conviction thereof before any justice of the peace, mayor of a town or city; or girls convicted by any of the courts of this State of felony or misdemeanor, punishable by imprisonment, the judge in his discretion, instead of confining such girl in the county jail or sending her to the penitentiary, may transfer such girl so convicted to said home, from any county of this State; **provided,** there is room for such girl. Every girl committed to said home shall remain there until she is twenty-one years of age, unless sooner discharged by the state board of control.

Sec. 174. **Data Accompanying Commitment—Return and Sentence.** It shall be the duty of the justice of the peace, mayor or other authority, when committing any girl to said home, in addition to the commitment, to annex the name and residence of the witness examined, and the substance of the testimony given on which the adjudication was founded, as well as the name and residence of the girl, the name of her parents, and their residence, if known. Any girl who may be found incorrigible, or pregnant, or otherwise an improper subject for admission to said institution, may be returned by the board of education to the court, justice or other authority by whom she was committed, and thereupon such court, justice or other authority, shall have power to pass sentence as would have been legal in the first instance, as if such girl had not been sent to said home.

Sec. 175. **Trial on Complaint.** In all cases coming before a justice, mayor or other authority, they shall appoint a guardian **ad litem** for such girl, who shall be some disinterested person, discreet and careful, and who shall see that no injustice is done the girl; and he shall have the right to demand a trial for his ward by a jury of twelve men to ascertain the truth of the charges against the girl, and said jury shall be selected and trial conducted, as other trials are conducted by justices in criminal cases before them. Or, said justice or court may, without a jury, try such girl, if no jury is demanded by her guardian or next friend.

Sec. 176. **Separation of Races.** The said industrial home shall be exclusively charged with the reformation and care of girls, but white and colored shall be held separate as far as practicable.

Sec. 177. **Binding Out Inmates as Apprentices.** The board of control shall have power to bind out such girls as committed to their care as apprentices to the time said girls shall arrive at twenty-one years of age, to learn some proper trade, business or calling, on such terms as shall be advantageous to such girls; but such girls so bound out, are to be bound only to those whose characters are above reproach, and within the State.

The indentures by which any girl may be so bound shall state for what period she is bound, her age, what trade, art or business she is to follow, and that the master shall see that for at least five months in each year said apprentice shall be sent to the free schools of the state, and shall be bound to furnish school

books requisite to learn the usual branches taught; the amount to be paid said child for each year, if anything above the maintenance of said child, and for what year or years, and the master shall bind himself with good security to pay the amount agreed upon, which sum of money, if any, contracted to be paid, shall be reserved, to be paid said girl or girls so bound, when their apprenticeship shall cease with interest, and said board shall not bind out any girl under the provisions of this act unless the master bind himself to comply with the conditions thereof, and whatever salary said master shall give, shall be paid to the state board of control; and it shall be the duty of said board to collect the same according to the tenor or effect of such contract, and turn the same over to the girl when she arrives at twenty-one years of age, or sooner if she marries, when the same shall be turned over to her.

Sec. 178. **Cruelty to Apprentices.** For cruelty or inhuman treatment by such master of such apprentice, the circuit court of the county in which such master or apprentice may reside, or any justice of the peace of any such county shall have jurisdiction to try same, and upon conviction of such master for cruel or inhuman treatment of such child, such master shall be fined not less than ten nor more than one hundred dollars, and may in addition thereto be confined in jail not to exceed ninety days.

Sec. 179. **Removal of Apprentices—Escapes.** No master can remove such child out of the county where she has been bound by such board, except on the written permit of such board; and any person who shall aid or assist any girl who has been committed to said institution, or who is subject thereto, to escape from any other home or other place where she has been placed by the officers of the said institution, or who shall aid or assist any such girl to leave this State, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than twenty-five dollars, and any justice of the county wherein such offense is committed shall have jurisdiction thereof.

Sec. 180. **Jurisdiction of Apprentices—By Circuit Court—Desertion.** The circuit court of the county shall in a summary way be open to hear any complaint of such master against his apprentice or to said apprentice against the master, and shall make such order in relation thereto as it shall deem fair and right. Any apprentice who shall desert the service of such master shall receive no pay (if the pay exceed the maintenance), while such desertion continues, and anyone who shall knowingly harbor such apprentice shall be liable to said master three dollars for every day such harboring or concealing such apprentice exists, to be recovered before any court having jusrisdiction.

Sec. 181. **Other State Educational Institutions.** On and after the first day of July, one thousand nine hundred and nineteen, the West Virginia schools for the deaf and the blind, and such other state educational institutions as may hereafter be established by the legislature, shall be under the control and management of the state board of education and the state board of control, as provided in this act for other state educational institutions.

Sec. 182. **Shall Make Reports.** On the first day of October of each year or as soon thereafter as practicable, the state board of education through the state superintendent of schools, shall make to the governor a full report concerning the state educational institutions (a copy whereof shall be filed with the state board of control at the same time) which shall show the number of persons employed about each of the said institutions; the official designation of each of

such persons, and the amount and rate of compensation paid to him; and shall report the amount disbursed by them of any funds under their control, stating the purposes for which expended and the amount expended for each purpose, and the number of days actually engaged by the persons employed about each of their said institutions, including teachers and professors. Said report shall also show the number of students actually attending each of said institutions, and the number of students enrolled in each school or department of each of said institutions, and the total cost of each of said schools or departments; and shall make special reports to the governor as he may request; and may make recommendations respecting legislation needed to promote the welfare of their institutions.

The state board of control and the state board of education shall from time to time as may be necessary, make a report to the auditor, which shall state the names of each person employed by each of them at any of the institutions named in section seven of this act, his official designation and the rate of compensation per month (or by the day or week if employed for less than a month) and out of what funds or appropriation the same is payable. The chief officer or head teacher of any such institutions, or other person who may have been appointed for the purpose by the state board of control, shall make out and certify to the auditor at the end of each month a list of persons to whom any payments may be due, stating for what purpose due, the amount due each person and the fund or appropriation from which payable; one copy whereof shall be filed in the office of the institution where made, and one in the office of the state board of control. If the auditor finds such list correct and in accordance with the reports made to him by the state board of control, or the state board of education, he may pay to the persons entitled thereto the amounts so certified as due each.

Sec. 183. **Voting of Bonds.** In any district or independent district the board of education may borrow money and issue bonds therefor, for the purpose of purchasing school sites, and erecting, completing, enlarging, repairing or furnishing school buildings in such district or independent district; **provided, however,** that no such debt shall be contracted under this section unless all questions connected therewith shall have been first submitted to a vote of the people of such district or independent district, at a general or special election, and have received a majority of three-fifths of all the votes cast for and against the same; and **provided, further,** that no debt shall be contracted under this section which shall, including existing indebtedness, in the aggregate, exceed two and one-half per centum of the value of the taxable property in the district or independent district, as ascertained by the last assessment thereof for state and county taxes, nor without at the same time submitting to the voters of such district at the election held for the purpose of authorizing bonds, the question of authorizing a special levy sufficient to pay the interest annually on all the outstanding bonds and to retire annually a proportionate amount of the principal of such bonds. If a majority of the votes cast at such election be in favor of such levy, the board of education shall have authority to lay such levy and may continue to lay the same or such portion thereof as may be necessary, from year to year, without an additional vote, until such bonded indebtedness is paid off and discharged; but the funds arising from such levy shall be used for the purpose designated, and no other.

Such bonds shall not be issued for a longer period than twenty years, nor

shall they be sold for less than their par value, nor bear interest at a greater rate than six per centum. They shall be issued serially in equal installments, so that after the first five years from the date of their issue one of the series will fall due and be payable in every year of the remaining period of their issue. Such bonds shall also contain a provision authorizing the board of education after five years from the date of issue to pay any or all of the remaining outstanding bonds at any interest period, by notifying the holders of such bonds by letter, if the names and postoffice addresses of such holders be known to the board, and by giving at least sixty days' notice by publication in one or more newspapers, said bonds to be retired in the order in which they fall due.

The issuance of such bonds shall be in accordance with the provisions of chapter fifty-seven of the acts of the Legislature of one thousand nine hundred and seventeen (regular session).

Sec. 184. **School Elections—How Held.** Any and all elections authorized by this act, for school purposes, may be held separately or in connection with any general or special election. Notice of such election shall be given by the publication of the order of the board calling the same, in two newspapers of different political parties and having general circulation in the territory in which the election is to be held, at least once each week for two successive weeks. If there is only one newspaper in general circulation in the territory in which the election is to be held, then the notice of publication shall be made therein. Printed copies of the aforesaid order shall be posted at each place of voting at least ten days before the election. All provisions of the law concerning general and special elections shall apply in such elections in so far as is practicable, except that the board calling the election shall appoint necessary election officers and shall canvass the returns, and the secretary of the board shall procure and furnish to the election commissioners at each place of voting the tickets, poll books, tally sheets and other things needed. In calling elections, district and county board of education shall follow the forms to be prescribed by the attorney general.

SHERIFFS—DUTIES AS TO SCHOOL FUNDS

Sec. 185. **Collections and Disbursement of School Money—Bond.** The sheriff of the county shall receive, collect and disburse all school money for the county and the several districts and independent districts therein. But before receiving or collecting any such school money he shall give in addition to his bond as collector of the state and county taxes, a bond with approved security in a penalty double the amount of school money which will probably come into his hands for school purposes during any one year of his term of office.

Sec. 186. **Pay Orders.** He shall keep accounts with the boards of education of the various districts and independent districts of the money belonging to the several funds, as provided by law, and shall credit every receipt and charge every disbursement to the fund to which it belongs. He shall pay out no money except upon orders of the respective boards specifying the amount to be paid, the purpose for which paid and the fund to which it is to be charged, signed by the president and secretary and countersigned by the county financial secretary, or by the president and one other member, as prescribed in section ninety-three* of this act, and countersigned by the county financial secretary.

*Refers to section ninety.

Sec. 187. **Annual Settlement with County Financial Secretary.** He shall on or immediately before the first day of July in each year, settle with the county financial secretary for each district and independent district in the county. In this settlement he shall be charged with the amount of taxes and of general school fund apportioned to each district or independent district by the county superintendent and the amount of taxes levied by the board of education upon the property of each district or independent district for the teachers' fund, for the building fund and all other school funds, and for any other money received by him during the current year on account of the free schools of such district or independent district; and he shall be credited with the amount of delinquent school tax in such district or independent district that has been duly certified by the clerk of the county court to such board of education.

If any county financial secretary fails to make the settlement required by this section, with the sheriff within the proper time as aforesaid, he shall be guilty of a misdemeanor and upon conviction thereof be fined twenty dollars, the proceeds of which fine shall be placed to the credit of the building fund of the district for which said settlement is not made.

Sec. 188. **Payments in Excess.** He shall be credited in such settlements with all orders paid and produced by him, if found to be correct by the board of education, and he shall receive no other credits except his commission as hereinafter provided. If any sheriff shall pay out in any one year more money on account of the teachers' funds or of the building funds or of any other fund, than shall have been levied and could have been collected by him during said year together with the amount remaining in his hands from any preceding year, he shall in such settlement receive no credits for such excess.

Sec. 189. **Method of Settlement.** In making said settlement it shall be the duty of the sheriff to prepare and present to the said board of education in duplicate separate lists of all the credits claimed by him against each of the several school funds collected by him showing the amount, date and number of each voucher or order, and to whom payable, together with the statement of the proper debits to the several funds to which he is chargeable; which lists and statements together with the vouchers claimed as credits by the sheriff shall be endorsed by the secretary of the board on the back of each with the words "Settled by board of education," under which the secretary shall sign his name and enter the date of the settlement, and said statements and lists as corrected shall be signed by said sheriff and by the president and secretary of the said board of education in duplicate, one copy to be retained by said board and the other, together with the vouchers and orders shall be turned over to the sheriff, who shall as soon as may be deliver them to the clerk of the county court, and the same shall serve as a basis for the settlement required by section seven of article twelve of the constitution, and section one hundred and ninety-three* of this act.

Sec. 190. **Settlement with County Court.** In addition to the settlements required by the sheriff with each board of education, every sheriff shall also make the annual settlements by districts with the county court of his county at the next term after the first day of July in each year, showing an itemized statement of all money disbursed for the preceding year on account of the building fund, the teachers' fund, and any other school funds in his hands, showing the amount,

*Refers to section one hundred ninety.

date and number of each credit voucher and to whom payable, and the balance due each district and independent district on each of said funds, which settlement shall be made a matter of record by the clerk of said court in a book kept for that purpose.

Sec. 191. **Corrections in Settlement.** But the settlement made by the sheriff with the several school districts of the county, as provided in section one hundred and ninety† of this act, when found correct and properly signed and turned over to the clerk of said court as required by section one hundred and ninety-two* of this act, may be taken and treated as the settlements required to be made and recorded by section one hundred and ninety-three† of this act; **provided, however,** that the prosecuting attorney or any taxpayer of the county may appear before said court for the purpose of making corrections in said report, and said court may hear said objections, after reasonable notice to the sheriff and board of education and make such corrections as may be proper, and when corrected said settlements shall be recorded; and said settlement and vouchers turned over the clerk of said court shall be filed by said clerk by districts.

Sec. 192. **Failure to Account for or to Pay Orders.** If he shall fail to account for and pay over as required by law any money which may come into his hands or for which he is liable, judgment may be rendered therefor against him and his sureties with interest and ten per cent damages; and upon the failure of such sheriff to pay any proper order issued by the said board of education, the person entitled to receive the sum of money specified in such order may require the sheriff to endorse thereon or write across the face thereof the words "presented for payment" with the proper date and sign the same, and judgment upon motion after at least ten days' notice may be obtained against the sheriff before any justice of his county or before the circuit court thereof, with interest from the time said order was presented and ten per cent damages. But a sheriff shall not be required to endorse any school order nor shall suit be brought on any such school order prior to the first day of November of the current school year.

Sec. 193. **Failure to Settle.** If any sheriff fails to make the settlement required by section one hundred ninety* of this act at the time required, without reasonable cause therefor, he shall be charged in said settlement with twelve per cent interest on all school money in his hands for the time he is in default in making the said settlement. If the sheriff fails to make the said settlement at the time required it shall be the duty of the prosecuting attorney to proceed by action against him and his sureties in the circuit court to recover the fine and penalty imposed upon him by this section and by section one hundred ninety-five‡ of this act.

Every retiring sheriff shall immediately after he shall have made his final settlement in the manner herein provided, pay and turn over to his successor in office such balance as may be shown to be due from him by said settlement.

Sec. 194. The provisions of this act shall in no manner infringe upon the powers and privileges heretofore granted by any special act or acts to any independent

†Refers to section one hundred eighty-seven.

*Refers to section one hundred eighty-seven.

†Refers to section one hundred ninety.

‡Refers to section one hundred ninety-two.

school district in the State; and any independent school district may avail itself of any of the provisions of this act as determined by the board of education of said independent district.

Sec. 195. All acts and parts of acts inconsistent with this act are hereby repealed.

SCHOOL LEVIES AND SCHOOL FUNDS

(Being that part of Chapter 126, Acts of the Legislature of 1919, Regular Session relating to School Levies and School Funds)

Section 1. The county court of every county, the board of education of every school and independent school district and the common council or other fiscal body in lieu thereof of every municipal corporation, shall hold a session on the second Tuesday in August in each year for the transaction of business generally, and especially for the transaction of business as herein required.

Statement and Levies by Boards of Education

Sec. 5. At its session held on the second Tuesday in August as aforesaid, the board of education of every district and independent district except the independent school district of Wheeling, shall, if a majority of the ballots cast upon the question of laying a levy in the district or independent district as provided in chapter forty-five of the code have printed or written thereon "For school levy," ascertain the condition of the fiscal affairs of the district and make up an itemized statement thereof, distinguishing between elementary and high schools and the various funds hereinafter provided for each, which statement shall set forth in detail: First: The separate amounts due the various funds of the district, and the amounts that will come due and collectible during the current fiscal year except from the levy of taxes to be made for the year;

Second: The debts and demands owed by the district, and the debts and demands that will become due and payable during the current fiscal year, including interest on any indebtedness, funded, bonded or otherwise;

Third: All other expenditures under the several heads of expenditures, to be made and payable out of the levy of the district for the current fiscal year, with proper allowances for delinquent taxes, exonerations and contingencies. Said statement shall also set forth the separate amount necessary to be raised for each fund by the levy of taxes for the current fiscal year, the proposed rate of such levy in cents on each one hundred dollars assessed valuation of the taxable property in the district for each of such funds, and the separate and aggregate amounts of the assessed valuation of real estate, personal property, and public utility property assessed by the board of public works. A copy of such statement duly certified by the secretary of the board shall immediately be forwarded to the state tax commissioner, and said statement shall, before the next meeting of the board, be published once in two newspapers of opposite politics in the county, if there be two such newspapers of general circulation in the county. If there be but one newspaper published in the county, the publication shall be made therein.

The session shall then stand adjourned until the fourth Tuesday in August, at which time it shall reconvene and [* * * and it shall then be the duty of said court (or board of education) to hear and consider any objections made orally or in writing, by the prosecuting attorney, by the state tax commissioner or his representative, or by any taxpayer of the county, to said estimate and proposed levy, or any item thereof. It shall be the duty of the court (or board of education) to enter an order of record showing the objections so made, setting forth the reasons and grounds for such objections. But the failure of any officer or taxpayer to offer objections as herein provided shall not preclude him from pursuing any legal remedy necessary to correct any levy made by any fiscal body named in this act. After said objections have been made and heard, the court (or board of education) shall thereupon reconsider the proposed original estimate and proposed rate of levy, and if the objection thereto or any part thereof appear to be well taken, the court (or board of education) shall correct the same accordingly, and it shall thereupon be approved, and when approved shall, with the order approving it, be entered by the clerk (or secretary) in the proper record book. After having entered the statement as finally approved, in its book of record or proceedings, the board shall thereupon levy as many cents on each one hundred dollars assessed valuation of the taxable property in the district, according to the last assessment thereof, as will produce the amounts shown by the statement approved to be necessary as follows:

For Elementary Schools

(a) For maintenance building fund purposes, a levy not to exceed ten cents, which fund shall be used for the purposes for which the building fund as now provided by law is used, except that no part of such fund shall be used for purchasing lands or erecting new buildings, or additions, or for equipping and furnishing same; but if the rate of levy as herein provided for maintenance building fund purposes will not produce a sufficient fund for such purposes, the deficiency shall be made up from the general school fund as provided for in section seven of this act.

(b) For new building fund purposes, a levy not to exceed twenty cents, which fund shall be used for the purpose of purchasing lands and the erection of buildings thereon, for the purchase and remodeling of buildings, and for building additions to school houses, and for furnishing and equipping the same. Where, however, an exigency exists for additional housing and the levy herein provided is not sufficient to provide for same, an additional levy hereunder may be laid, not to exceed twenty cents, but such levy shall not be made until the same shall have been first submitted to and approved in writing by the state superintendent of free schools and the state tax commissioner. Such buildings shall be constructed according to and under the conditions now provided by law.

(c) For teachers' fund purposes, a levy not to exceed forty cents, for the purpose of maintaining the schools of the district for a minimum term of six months, or for a longer term where the same has been extended by or according to law. (In case, however, the levy hereunder, including the supplemental apportionment of the general school fund hereinafter provided, will not produce a sufficient fund to pay minimum salaries to a sufficient number of teachers for all the schools

of the district for the minimum term it shall be the duty of the board of education to lay an additional levy to make up the deficiency in the teachers' fund.)

(d) In any district or independent district where the term of school has been, or shall hereafter be, extended for a longer period than the minimum term by a majority of the votes cast at an election therein as provided in section twenty-seven of chapter forty-five of the code of West Virginia of one thousand nine hundred and sixteen, and the maximum rate of levy hereinbefore provided for maintenance building fund purposes and teachers' fund purposes will not provide sufficient funds to defray the expenses of the term provided by such election, the board of education shall lay a levy sufficiently high to provide the funds necessary to conduct the schools in such district for the term provided by such election, and such levy shall be separated into, and designated as, maintenance building fund levy, and teachers' fund levy. The term of school fixed by such election shall continue from year to year so long as a majority of the votes cast at the election at which the question of "school levy" is submitted, be in favor of such "school levy," or until the term so fixed shall be changed by a majority vote of the people in such district.

(e) If the majority of the taxpayers of a sub-district within an incorporated municipality, the boundaries of which sub-districts are, or shall be made, co-extensive with the boundaries of such municipality, file with the board of education of the district in which such sub-district is a part, at their meeting on the second Tuesday in August, a petition praying for an extension of the school term therein for a given number of months, the board shall extend the term of such school for the number of months prayed for in such petition, and shall lay levies sufficiently high on each one hundred dollars' assessed valuation of the taxable property in such sub-district according to the last assessment thereof, for such extension, which levies shall be separated into and designated as maintenance building fund levy and a sub-district teachers' fund levy.

For High Schools

For high schools for current purposes under such regulations as are prescribed by law, a levy of not to exceed twenty cents, and in making up the estimate and proposing levies therefor as provided in section five, the board of education shall separate the same into two funds as follows: Maintenance building fund purposes and teachers' fund purposes.

In case the levy herein provided for high school purposes will not produce sufficient funds to continue any high school for the term fixed by law, the board of education may lay a levy sufficiently high to maintain such high school for the said term.

Sec. 6. Within three days after the board of education has laid the levies for the various funds hereinbefore provided, it shall be the duty of the secretary of the board to forward a certified copy of the orders laying levies to the state tax commissioner and to report the rate of levy for each fund to the county superintendent and the assessor, and within three days thereafter it shall be the duty of the county superintendent to report the rate of levy for each of the various funds to the clerk of the county court and the assessor, and the rate of levy for all funds, and the total value of real and personal property in each district and independent district to the state superintendent of free schools and the auditor;

and it shall thereupon be the duty of the proper county officers to extend on the land and personal property books the amount of taxes levied aforesaid, which taxes the sheriff shall collect and account for as required by law.

The General School Fund

Sec. 7. The proceeds of the capitation tax, the income of the school fund, the net proceeds of all forfeitures and fines which accrued to the State during the previous year and all moneys arising from the sources named in section four of article twelve of the constitution heretofore going to the "school fund," but as now amended going to the "general school fund," all interest on public moneys received from state depositories, state license tax on marriages, state tax on forfeitures, state tax on state licenses except state licenses paid direct to the state auditor and secretary of state (the income, however, from the last three named sources shall be paid into the "general school fund" beginning July first, one thousand nine hundred and nineteen), and all funds from any source paid into the treasury for school purposes and not otherwise appropriated, shall be set apart for the support of free schools, as a separate fund to be called "the general school fund." Such fund shall be used to supplement the maintenance building fund of elementary schools, and the teachers' fund of elementary schools in districts where the maximum levy for teachers' purposes will not provide sufficient funds to pay minimum salaries to a sufficient number of teachers for all the elementary schools of the district for the minimum term, and for the purposes enumerated in the following paragraph:

It shall be the duty of the auditor, on or before the twentieth day of July in each year, to ascertain the amount of the general school fund for distribution, after first deducting the aggregate salary of the state superintendent of free schools, his necessary traveling expenses not to exceed five hundred dollars, the contingent and other expenses of his office, and the salaries of county superintendents, and to notify the state superintendent of free schools thereof. The state superintendent shall thereupon ascertain the deficiency in the maintenance building fund and the teachers' funds mentioned in the preceding paragraph whose duty it shall be to deposit with the treasurer of the board of education to the credit of such fund the amount necessary to make up such deficiency, to be apportioned, however, to the various districts requiring supplemental aid as herein provided so as to make the term of elementary schools therein as nearly equal as possible being guided, however, in such apportionment by the relative assessed valuation of property therein as indicated by the records of the state tax commissioner's office.

But before making requisition on the auditor for the supplemental aid herein provided, the state superintendent shall inform himself of the conditions existing in such districts as seek aid and shall require from all boards of education asking such aid, on forms to be prescribed and furnished by him, a financial statement thereof supported by affidavits showing the deficiency existing in such districts and the necessity for such aid.

The state superintendent shall, also, notify the county superintendent of each county to which supplemental aid is furnished the amount thereof, who in turn shall notify the boards of education of such districts as receive such supplemental

aid of the amount thereof apportioned to such district and that the same can not be drawn by them until they have laid the maximum levies required by sections five (a) and (c) of this chapter.

Additional Fund Purposes

Sec. 9. (a) If any county court, board of education, or common council of a municipal corporation be of opinion that the maximum rate of levy of taxes hereinbefore named in section two (a) as to counties, or in section five as to elementary and high schools, in school districts, or in section eight as to municipalities, will not produce sufficient funds for the current fiscal year to cover the expenditures for the year in the county or school district, or municipality, as the case may be, it may enter an order on its record book of proceedings setting forth the purposes for which additional funds will be needed, the amount thereof for each purpose, and the total thereof, the separate and aggregate amount of the taxable property on which it is authorized to levy taxes and the rate of levy in cents on each one hundred dollars assessed valuation of such property necessary to produce the additional amount estimated to be needed; and in the same order submit to the voters of the county, the school district or the municipality, as the case may be, at an election therefor, the question of such additional levy. If a majority of the votes cast on the question at such election be in favor of such additional levy, the court, board or council, as the case may be, shall have authority to make such additional levy, but the same shall not exceed twenty cents on each one hundred dollars assessed valuation of the taxable property in the county, school district, or municipality, according to the last assessment thereof.

(b) If any county, school or independent school district, or municipal corporation has, at the time this act goes into effect, an outstanding bonded indebtedness where no provision has heretofore been made to pay the interest on such bonds and provide a sinking fund for the discharge of the principal of the same at maturity, the county court, the board of education, or the municipal council, as the case may be, shall lay a levy sufficiently high to pay the interest and provide a sinking fund for the discharge of the principal of such bonds at maturity and shall continue to lay the same from year to year until such bonded indebtedness is liquidated. The funds arising from such levy shall be used for the purposes for which levied and no other.

(c) If any county or school or independent school district, or municipal corporation, creates in the future a bonded indebtedness according to law, the county court, board of education, or municipal council, as the case may be, shall enter an order on its record book of proceedings setting forth the maximum rate of levy necessary in each year to pay the interest and provide a sinking fund for the discharge of the principal of the bonds at maturity; and in the same order submit to the voters of the county, district or municipality, as the case may be, at the election held for the purpose of authorizing the bond issue, the question of such levy. At such election there shall be printed on the ticket a brief statement of the levy herein provided for, such as "To authorize a maximum special bond levy of.....cents to pay the interest on, and.....cents to provide a sinking fund for the discharge of the principal of the bonds now being voted for according to the order of.....entered on the

.....day of....." And directly underneath, in two separate lines, shall be printed the words "For the levy" and "Against the levy." In all respects the provisions of the laws concerning general elections and elections under the provisions of this act shall apply to such election as far as they are practicable. If a majority of the votes cast at such election be in favor of such levy, the county court, board or council, as the case may be, shall have authority to lay such maximum levy, and it may continue to lay the same, or such portion thereof as is necessary, from year to year, without an additional vote, until such bonded indebtedness is liquidated; but the funds arising from such levy shall be used for the purposes for which levied and no other.

Elections

Sec. 10. The election authorized in section nine may be held at any general election, or at a special election held for the purposes herein stated. Notice thereof, however, shall be given by publication of the order of the court, board of education, or council, calling the same, in two newspapers of general circulation in the territory in which the election is held, and of opposite politics, at least once in each week for two successive weeks before the election, and printed copies of said order shall be posted at each place of voting at least ten days before the election. If there be only one newspaper published in the county, the publication shall be made therein. All the provisions of the laws concerning general elections shall apply to such election as far as they are practicable, except as follows: A separate ticket shall be used at such election held in connection with any other election. On such ticket shall be printed a brief statement of the question submitted such as "Special election to authorize.....levy of..... cents, according to the order of the....., entered on the.....day of.....;" and directly underneath in two separate lines, shall be printed the words "For the levy" and "Against the levy." Those favoring the levy shall erase the words "Against the levy" and those opposed thereto shall erase the words "For the levy." If a majority of those voting on the question be in favor of the levy, the said fiscal body submitting the question shall be authorized to lay the same; but if a majority of the votes cast on the question be not in favor of such levy, it shall not be laid. If the question be submitted by the county court, the clerk thereof shall prepare, procure and furnish to the election commissioners at each place of voting, the tickets, poll books, tally sheets and other things needed; if the question be submitted by a board of education, the secretary thereof shall perform such duty; and if the question be submitted by a council of a municipal corporation, such duty shall be performed by the clerk, recorder or other recording officer of the municipal council.

A levy under (a) section nine may be submitted for any two successive years that may be named in the order submitting the question to the voters, the rate of levy for each year being stated in such order, and if the levy be authorized as aforesaid, the proper fiscal body may lay such levy, or so much thereof as may be necessary for each of said two years.

Restricted Use of Funds

Sec. 11. Any funds derived from levying of taxes under and pursuant to the provisions of this act shall be expended for the purposes for which levied and no other.

Certain Acts Prohibited and Penalties Prescribed

Sec. 12. It shall be unlawful for any county court, board of education, or council of a municipal corporation, or other body charged with the administration of the fiscal affairs of any county school district or independent school district, or municipality to expend any money or to incur any obligation or indebtedness which such fiscal body is not expressly authorized by law to expend or incur. Nor shall any such fiscal body make any contract, express or implied the performance of which, in whole or part, would involve the expenditure of money in excess of funds legally at the disposal of such fiscal body, nor issue or authorize to be issued any certificate, order or other evidence of indebtedness which cannot be paid out of the levy for the current fiscal year or out of the fund against which it is issued. Nor shall any such tribunal attempt to lay any levy the rate whereof shall exceed the rate specified by law. Any indebtedness created, contract made or order or draft issued in violation hereof, shall be void and of no effect, and any money received thereon may be recovered from the person receiving the same by the fiscal body which created, made or issued the indebtedness, contract, order or draft.

Any member of such fiscal body, or any officer or person who wilfully violates any of the provisions of this act, shall expend any money, or incur any debt or obligation, or make or participate in the making of any such contract, or be a party thereto in any official capacity, or issue or cause to be issued any such certificate, order or other evidence of indebtedness, shall be personally liable therefor, both jointly and severally, and an action may be maintained therefor by the State, or by any county, municipal corporation, district, or person prejudiced thereby, in any court of competent jurisdiction. Any such member, officer or person who shall wilfully violate the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars, or be confined in jail not more than one year, or be both fined and imprisoned, and in addition thereto shall forfeit his office. Whenever any court of competent jurisdiction by mandamus, injunction, or trial of any action of law, or judicial proceeding, shall ascertain or determine that any member of any fiscal body hereinbefore referred to has negligently or wilfully violated any of the provisions of this section, it shall enter an order declaring the office of such member forfeited.

Any taxpayer of the county, school district or independent school district or municipality, as the case may be, or the state tax commissioner, for the use and benefit of the county, school district or independent school district, or municipality, as the case may be, may, in his name, institute and prosecute to final judgment including the right of appeal to the supreme court of appeals of the State in any court having jurisdiction, proper action, suit, or proceeding, against the individual members of a county court, board of education, municipal council, or other body in lieu thereof, to recover from them any moneys expended in

violation, or without authority of law. All moneys recovered in any such action, suit or proceeding shall be paid into the treasury of the proper fiscal body to the credit of the proper fund. The plaintiff, in case he prevails, shall recover his costs against the defendants, including a reasonable attorney's fee to be fixed by the trial court, and included in the taxation of costs. Any such taxpayer, or the state tax commissioner, shall have the right to institute and prosecute to final judgment any proceeding for the removal of any member of any county court, board of education, municipal council, or other body in lieu thereof, for expending public money in violation, or without authority of law. Upon the filing of a petition by such taxpayer, or the state tax commissioner, either in term or vacation, the court, or judge, shall set a time for hearing such petition. An attested copy of the petition and specifications of charges therein contained, shall be served for a period of at least twenty days upon the defendants named therein, and no other pleading or notice of such proceeding shall be necessary.

Preparation of Forms

Sec. 13. The state tax commissioner shall prepare and furnish forms and instructions for making up the statement required in sections two, five and eight relating to fiscal affairs; the state superintendent of free schools shall prepare and furnish forms and instructions as provided in section seven; and the attorney general shall prepare and furnish forms and instructions for the holding of any election provided by this act.

Construction of this Act

Sec. 14. This act shall not be construed as affecting any fund heretofore raised by levy or from being used for the purposes for which levied, and any balance remaining in any fund affected by this act shall be transferred to the proper and logical fund hereunder.

EXTENSION OF TERM IN THE ELEMENTARY GRADES WHERE A NORMAL TRAINING HIGH SCHOOL IS MAINTAINED

(Being Chapter 84 of the Acts of 1919, Regular Session.)

In any district in which a normal training, or class one, high school is maintained in connection with a graded elementary school, the board of education shall have authority to lay upon all of the taxable property in the district, levies sufficient for the teachers' fund and the building fund for maintenance purposes, to continue the elementary grades of such school for the same length of term that the normal training, or class one, high school of such district is in session.

It is **provided, however,** that any and all pupils of elementary grades in such district shall be permitted to attend the elementary grades of such school after the close of the elementary schools of their sub-districts or in any school term in which the elementary schools of their sub-districts are not in session.

RENEWAL OF CERTIFICATES—ADDITIONAL PROVISIONS

(Passed by Legislature, Extra Session, 1919.)

Section 1. The fee for the renewal of a professional teachers' certificate shall be five dollars. The fee for the renewal of a short course certificate shall be one dollar, said certificate to be renewable for one three-year period and said fee payable upon proof that the holder of such certificate has taught or been otherwise actively engaged in school work for two years of the preceding three-year period; and, **provided, further,** that service in the United States army or navy in the war with Germany shall be counted the same as teaching on any renewable certificate, or shall extend the date of expiration of any non-renewable certificate one year; and, that attendance for six weeks at an approved school may be submitted in lieu of examinations for the renewal of all first grade certificates.

STATE BOARD OF CONTROL

(Being Chapter 15-m of Barnes' Code of Nineteen Hundred Sixteen.)

Sec. 1. **How Constituted.** The state board of control, created by chapter fifty-eight of the acts of the Legislature of one thousand nine hundred and nine, shall continue, and shall be a corporation, and have and use a common seal. It shall consist of three members, not more than two of whom at the time of appointment shall belong to the same political party, to be appointed by the governor by and with the advice of the State Senate. The term of office shall be six years. The members now in office shall serve to the end of their respective terms, unless sooner removed as herein provided. The governor may remove any member for incompetency, neglect of duty, drunkenness, gross immorality, malfeasance in office, or for other good cause, and fill the vacancy made by any such removal, or made by death, resignation or otherwise, by appointment for the unexpired term. The salary of each member shall be five thousand dollars per year, to be paid monthly; and each shall be paid his actual traveling and other necessary expenses when absent from the state capital on official business. The board shall be provided with an office at the state capital, and with such furniture and clerical and other assistance as shall be necessary. The members shall give their entire time to the discharge of the duties of their office. The board shall choose one of their members president and another treasurer. They may select a secretary and such other officers as they may deem best. The offices of treasurer and secretary may be held by the same member. Before entering upon the duties of his office, each member shall take and subscribe the oath of office prescribed by the constitution, the certificate whereof shall be filed with records of the board, and he shall give bond in the penalty of ten thousand dollars, conditioned for the faithful performance of the duties of his office, and to account for and pay over according to law all moneys or other thing of value which shall come into his hands or under his control by virtue of his office; but the treasurer's bond shall be in the penalty of twenty-five thousand dollars, which shall cover his liability as a member, and as the treasurer. The board may cause the surety in any of such bonds to be a surety or bonding company authorized to do business in this State, and pay the costs thereof out of its current or contingent expense fund. All such bonds shall be approved as to form by the attorney general, and as to sufficiency by the governor, and when so approved shall be filed and recorded in the office of the secretary of state. In the absence of the president or of the treasurer from the state capital, or in the disability of either, the duties of his office may be performed by another member of the board. All deeds, contracts, agreements and other such writings may be executed by the state board of control by the signing of the name of the board thereto by the president, and

impressing the seal of the board therein, attested by the signature of the secretary; and when so executed any such deed, contract, agreement or other such writing shall be deemed the act and deed of said board, and shall be admitted to record in the office of the clerk of the county court, and in any other office or place where writings are admitted to record.

Sec. 2. **Expenses.** Before any expenses of any member of the board of control or of the board of regents, or of any officer or agent thereof, or before any expenses incurred by any person under the direction of either of said boards, or the expenses of any officer or employee of any institution under the charge of said boards, shall be paid, a full written statement of every item of such expenditure, shall be presented to the auditor, duly verified, which verification shall state that the expense bill is just, accurate and true, and is claimed for cash expended for the purposes named in the statement. Unless the statement is so verified and duly audited, payment thereof shall not be made.

Sec. 3. **Control and Management of Certain Institutions.** The board of control shall have full power to manage, direct, control and govern the West Virginia asylum, the second hospital for the insane, the West Virginia hospital for the insane, the West Virginia penitentiary, the West Virginia reform school, the West Virginia industrial home for girls, miners' hospital No. 1, miners' hospital No. 2, miners' hospital No. 3, and the schools for the deaf and the blind* and such other institutions, except educational, as may hereafter be created by law.

Sec. 3-a. **Names of Certain Institutions Changed.** From and after the thirtieth day of June of the year one thousand nine hundred and fifteen, the name of the West Virginia asylum shall be changed to Huntington state hospital; the name of the second hospital for the insane shall be changed to Spencer state hospital; the name of the West Virginia hospital for the insane shall be changed to Weston state hospital; the name of miners' hospital number one, shall be changed to Welch hospital number one; the name of miners' hospital number two, shall be changed to McKendree hospital number two; the name of miners' hospital number three shall be changed to Fairmont hospital number three. All statutory provisions applicable to the government and maintenance of said asylums and hospitals, and to each of them, under their old names, shall be continued in force and be applicable to the government and maintenance of the same institutions under their new names.

All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 4. **To Have Financial Control of Educational Institutions.** The board of control shall have charge and control of the financial and business affairs of the West Virginia University, of the preparatory branches of the university at Montgomery, and at Keyser, of the state normal school and its branches, of the West Virginia colored institute and of the Bluefield colored institute and have such other control and management of said institutions as are in this act provided.

Sec. 5. **Title to Property.** The title to all property constituting or belonging to the several institutions named in sections three and four and now vested in the several boards of directors, or of regents thereof, shall be and hereby is vested in said board of control on and after July first, one thousand nine hundred

*The Acts of the Legislature of 1919, regular session, make it the duty of the State Board of Education to have charge of the educational affairs of the Schools for the Deaf and the Blind as of other state educational institutions.

and nine; and the several boards now charged with the control and management of said institutions shall thereafter have no further legal existence; and the board of control is, without further process of law, authorized and directed then to assume control and management of the said institutions subject to the provisions of this act.

Sec. 6. **Moneys and Funds.** All moneys and funds belonging to the State which shall come into the hands or control of the head officer, or other officer, of any of the institutions mentioned in sections three and four, or of any other institution, department, board, commission, or other agency of the State, or of any person connected therewith, and under the control and management of the state board of control in whole or in part, or the fiscal or financial affairs of which are subject to the control or management of said board, shall be paid to the treasurer of said board at least once in each month, on or before the tenth day of the month succeeding the month in which such moneys or funds were received, under such rules and regulations as said board shall prescribe. The state board of control shall cause such money and funds to be paid into the state treasury to the credit of the proper fund of the institution, department, board, commission, or other agency of the State, by depositing the same in a state depository and delivering to the auditor the certificate of deposit therefor. The auditor shall credit the same to the institution, department, board, commission or state agency as shown by the certificate of deposit; and the state board of control shall have authority to issue requisitions, from time to time, on such moneys and funds to be expended for the support or benefit of the institution, department, board, commission, or state agency for which the same was appropriated or provided, and all such moneys and funds are hereby appropriated for the purpose. Such moneys and funds are hereby named "state board of control funds." Whenever the appropriations by the Legislature are insufficient to pay the expenses of conducting any of said institutions, the deficiency shall be certified by the state board of control to the board of public works. Such certificates shall state the name of the institution, the items and amount in detail needed, and the board of public works may direct payment of the same of any part thereof as provided in chapter sixteen of the acts of one thousand nine hundred and four.

Sec. 7. **Same—How Expended.** All money received by the state board of control from any source, on account of institutions under its control, shall be paid into the state treasury at least once each month to the credit of the institution and fund for which received, and shall remain in the treasury until expended on order of the state board of control or otherwise disposed of by law. There is hereby appropriated so much of the moneys mentioned in this section as may be necessary for the purposes of any of the institutions for which such moneys are received. But no moneys received on account of one institution or fund shall be used for any other institution or fund.

Sec. 8. **Clerical Assistants—Reports of Institutions.** The board of control shall appoint a competent secretary and such other clerical assistants as may be necessary to the proper conduct of its business. The salaries or compensation of the employees of the board shall be fixed by it, but no salary or compensation shall be increased to exceed the amount appropriated by the Legislature to pay the same. The board shall cause to be kept at its office a proper and complete set of books and accounts with each institution, which shall clearly show every expenditure authorized and made thereat. The said books

shall exhibit an account of all appropriations made by the Legislature concerning any institution named in sections three and four, and of all other funds under the control of the board. It shall, in conjunction with and subject to the approval of the chief inspector of public accounting, prescribe the form of vouchers, records and methods of keeping accounts at and by each of the institutions named in sections three and four. Such vouchers, records and methods of accounts of the institutions shall be as nearly uniform as possible. The board, or any member thereof, shall have the power to investigate the conditions of and to examine and check the records of any of said institutions at any time. The board shall also have the power to authorize any of its members or officers, its bookkeeper and accountant, or any other employee, to proceed to any of the said institutions, and to examine and check the records, take inventory of the property thereof, or any of its departments, or for any other purposes the board may deem necessary. Any person doing such work shall receive, in addition to regular compensation, pay for actual expenses incurred thereby, such expenses to be paid in the manner hereinbefore provided. Upon the completion of any such special work the board shall cause a full and complete written report of the same to be made to it as soon as practicable.

Sec. 9. **Powers and Duties.** The state board of control or one or more of its members shall visit each of the institutions under its control and management in whole or in part as often as may be necessary, and may hold a regular meeting of the board at any such institution. During any such visitation the board or any member thereof shall thoroughly inspect all the departments thereof and investigate the condition and management of the same; and for the purpose of aiding any such investigation the board or any member thereof shall have power to summon and compel the attendance of witnesses, to be examined under oath, which any member shall have the power to administer; and the board or any member thereof shall have access to all books, papers and property necessary to any such investigation, and may order the production of any books, papers or property. Witnesses, other than employees of the State, shall be entitled to the same fees as in civil cases in the circuit court. In any investigation by the board, or by any member thereof, it or he may cause the testimony to be taken in shorthand and transcribed and filed in the office of the board as soon after the same is taken as practicable. Any person refusing or failing to obey the order of the board, or any member thereof, issued under the provisions of this section, or to give or produce any evidence required, shall be reported by the board or the member thereof conducting the investigation to the proper circuit court or the judge thereof, and such person so refusing or failing shall be dealt with by the court or judge as for contempt.

Sec. 10. **Appointment of Heads of Certain Institutions.** The governor shall, by and with the advice and consent of the Senate, appoint a superintendent for the West Virginia asylum, superintendent for the second hospital for the insane, a superintendent for the West Virginia hospital for the insane, a warden for the penitentiary, a superintedent for the West Virginia reform school, a superintendent for the West Virginia industrial home for girls, a superintendent for miners' hospital No. 1, a superintendent for miners' hospital No. 2, a superintendent for miners' hospital No. 3, and a superintendent for the schools for the deaf and the blind.* The governor may remove any superintendent or warden for incompentency, neglect of duty, gross immorality, malfeasance in office, or

*See note (*) bottom of page 79.

for other good cause, and in case of vacancy, whether occurring by reason of removal or otherwise, may declare the office vacant and fill the same by appointment for the unexpired term. The superintendent of each institution and the warden of the penitentiary shall have the power to appoint all assistants and employees required for the management of the institution in his charge, the number of said assistants and employees, and their compensation, to be first fixed by the state board of control. The superintendent of any institution and the warden of the penitentiary may, at his pleasure, discharge any person therein employed. It shall be the duty of the board to investigate any complaint made against the chief executive officer of any institution, and also against any other officer or employee thereof, if the same has not been investigated. The board shall have the power to recommend to the governor the removal of any such chief executive officer, or other officer, setting forth in such recommendation the reasons for the same. The board shall fix the salaries or compensation of the officers and employees of the institutions named in section three on or before the first day of July of each year, to be paid during the year to commence July first, and no change shall be made therein excepting at the time prescribed in this section. The salaries or compensation of all officers and employees of the several institutions named in sections three and four shall be paid monthly, to include the last day of each month.

The chief officer of each of the institutions named in section three shall be furnished quarters, household furniture, board, fuel and light for himself and his family; quarters, household furniture, board, fuel and light shall be furnished to such other officers as is made necessary by the character of their service, and the board of control shall designate those who shall receive the foregoing in addition to their salary.

Sec. 11. **Rules and Regulations.** The board is authorized to make rules for the proper execution of its duties and powers. It shall also have the power to adopt rules and regulations for the government of the institutions, named in sections three and four, and shall therein prescribe, consistent with the provisions of this act, the duties of the persons connected with the management of the said institutions.

Sec. 12. **Shall Purchase Supplies.** The state board of control is hereby authorized and required to purchase all supplies for the proper support and maintenance of the institutions named in sections three and four, and for any other institution, department, board, commission, or other state agency, under its control or management in whole or in part. Such supplies shall be purchased whenever practicable by contract on competitive bids, and notice of the same shall be given, whenever the board thinks best, by publication in at least two newspapers of general circulation in the State for not less than two weeks prior to the award made; and a written or printed notice shall be sent to every manufacturer or dealer of or in the article or commodities for which prices are desired who has requested his name to be placed upon the mailing list. The contract shall be awarded to the lowest responsible bidder if the price be a fair and reasonable one and not greater than the market price. The board is authorized to require such surety as it may deem proper to accompany the bids submitted, and shall also fix the amount of the bond or other security that shall be furnished by the person, firm or corporation to whom the contract for any supplies is awarded. The board shall have the power to reject any and all bids submitted if for any reason it is

deemed to the best interests of the State to do so, and to re-solicit bids in accordance with the provisions of this section. The board may determine the kind and character of animals to be slaughtered for meats for use in the several institutions under its control and it shall make such rules and regulations as may be necessary for the inspection of meats, poultry, bread and other supplies intended for use in any of the said institutions. In accepting bids for supplies preference shall be given citizens of this State, other things being equal. Whenever the board fail to make contracts for supplies the same may be purchased by the chief officer in charge of an institution, under such rules and regulations as shall be prescribed by the board of control. It shall be the duty of the chief officer of each institution named herein to cause to be prepared estimates of supplies required for the proper conduct and maintenance of the institution under his charge, covering periods to be fixed by the board of control, and to forward the same to the board in accordance with its directions. No member or officer of the board of control, or of the state board of regents, *and no person in their employ and no officer or employee of any state institution shall be directly or indirectly interested in the purchase of supplies, or in any supplies purchased, nor in any contract, agreement or undertaking entered into by and for any of said institutions; and if he be so interested he shall forfeit his office, such contract shall be void, and such person shall be liable to the State upon his official bond for all damages. No member of said board, no officer, agent or employee thereof, and no officer of any institution under their charge, shall directly or indirectly for himself or for another, or for any such institution, receive or accept any gift or gratuity or thing of value from any dealer in goods, merchandise or supplies which are or may be used in such institutions, or from any person, firm or corporation who are or may be interested in any contract with such board for or on account of the State. Any violation of this section shall be a misdemeanor, and be punished by a fine of not less than twenty-five nor more than five hundred dollars.

Sec. 13. **Buildings for Institutions.** The state board of control is vested with authority to employ competent architects for the preparation of plans and specifications for all new buildings hereafter to be built by the State, or for the repairing or remodeling of existing buildings, or the construction of additions thereto; to employ competent persons to superintend the work of constructing new buildings or of such repairs, remodeling or additions, and to call for bids and award contracts for such work. The board shall have authority to erect any new buildings, or to make repairs or additions to, or changes in, any buildings already constructed, without letting the same to contract, or by employing thereon the labor of the inmates of any institution of the State, whenever in the judgment of the board the best interests of the State will be subserved thereby. The board may also provide with contractors for the erection of new buildings or for additions or repairs to old ones, to use thereon the labor of such inmates. The board has authority, whenever in its judgment a new building is needed by the State, or whenever it is necessary to build an addition or make material repairs to a building already in existence, with the approval of the governor, to employ a competent architect or architects to make plans and specifications therefor, and estimate of the cost thereof, for submission to the next session of the Legislature, to aid that body in making an appropriation for the purpose. The governor may pay the cost of such plans and specifications and estimates out

*State Board of Education—Acts of 191-.

of his civil contingent fund, or the board may cause the same to be paid out of the current expense fund or out of any appropriation made for buildings and land or for repairs and improvements of the institution for which the building or work is designed. So far as practicable, hereafter all buildings erected for the use of the State shall be fire-proof.

Sec. 14. **Records of Institutions.** The state board of control shall prescribe the records to be kept for statistical and other purposes in the several institutions named in sections three and four. It shall require a copy of such record to be transmitted to it for the preceding month, and the board shall keep in its office in a substantially bound book a copy of every report that they may require from the chief officers of any institution; and shall have authority to assemble the chief officers of the institutions or any of them at its office, for the purpose of discussing any question which may be common to their welfare. The actual expenses made necessary in traveling to and from such meeting and while upon its attendance, shall be paid out of the contingent fund of the several institutions. All bills on account of such expenses shall be made and paid as provided in section two of this act.

Sec. 15. **Report to Governor.** On the first day of October, one thousand nine hundred and ten, or as soon thereafter as practicable, and biennially thereafter, the board of control shall file with the governor a full report of all matters herein prescribed, showing the condition of all the institutions under its control, the cost of conducting the same during the period covered by the report, naming the buildings contracted to be erected, at what points, for what purposes, the contract price and the condition of construction, and shall also include therein a statement of the work and expenses of the board. It shall also incorporate in its report suggestions respecting legislation for the benefit of the several institutions under its care, and shall make estimates of appropriations, which in its opinion are necessary for the maintenance and other expenses of the institutions and for buildings, betterments and other improvements. The said report shall also contain such portions of the biennial reports made by the chief officers of the several institutions to the board as it may deem proper, also statement showing the dates of visitation made by the board or by any member thereof to the several institutions. In its report shall be included an itemized statement of the expenses of the board and such other matters as it may deem pertinent. There shall also be published in the report full and complete lists of the officers and employees of the board and of the institutions named in sections three and four, showing the annual salary paid and perquisites allowed each officer or employee. The governor is hereby empowered to call upon the said board for any special report or information relative to any matter coming within its authority. The governor may direct the said board to make any special investigation into and report upon any matter connected with any state institution.

Sec. 16. **Gifts and Devises.** The board of control is hereby empowered to accept any gift or devise of any property or thing which lawfully may be given. If such gift or devise is to any particular institution named in sections three and four, whatever profits shall arise from its use or investment, shall be paid into the state treasury for the use and benefit of the said institution and the board is hereby invested with the title to the property which is, or may be subject of such gift or devise.

Sec. 17. **Insurance on Buildings.** The board of control shall have charge and control of the insurance of all buildings and property of the State and shall keep the same properly insured against loss by fire, by explosion of steam boilers and the like; but the insurance of the property of the State at the seat of government shall be first authorized by the board of public works. The board of control shall keep a record of all such insurance which shall show the name of each insurance company, the number, date and amount of insurance of each policy written by it, the rate of premium, the building or other property on which insurance is placed, the period for which written and the date of its expiration; and the amount of insurance upon each building and such other matters as the board may deem pertitent.

Sec. 18. **Same—Limitations—Appropriations for Re-building.** The state board of control shall insure only such buildings and property of the State as it shall deem most likely to be damaged or destroyed by fire, and within the limits of the amounts hereby appropriated. If any building is destroyed by fire, there is hereby appropriated out of any money in the treasury, not otherwise appropriated, such sum as may be necessary to replace such building, but the amount thereof shall not exceed the value of the building destroyed, less the amount of insurance, if any, collected thereon.

PUBLIC LIBRARIES

(Being Chapter 64, Acts of the Legislature of 1915.)

Section 1. **Definitions.** The following words and phrases, wherever used in this act shall include and be taken to mean as follows: the word "municipality" shall include an incorporated city, a town, a county and a school district; "municipal authority" shall include the mayor and common council of a city, a town, or board of commissioners, or other corresponding authority thereof, county courts and boards of education of school districts and independent school districts; "public library" shall include public library and reading room; "chief executive authority" shall include mayor and city council or other corresponding authority in cities and towns; and the county court and board of education in counties and school districts; "the directors of public library board" shall include the members of public library boards of cities, towns, counties and school districts established under this act.

Sec. 2. **Levy—Upon Vote of People.** The municipal authority of any municipality shall have the power to establish, equip and maintain a public library, or take over and maintain and support any public library already established therein, for the use and benefit of the inhabitants of such municipality, and may levy an annual tax for the purpose of not more than one and one-half cents on the one hundred dollars, on all the taxable property in said municipality, such tax to be levied and collected in like manner as the general taxes of the municipality, which shall be kept separate in a fund to be known as the "library fund;" **provided,** that when any municipality makes a levy for a municipality in which there is already a municipal library, and the said municipality does not join in the proposed library, the said municipality shall omit from the levy of the library tax all property within the limits of said municipality not joining in said proposed library; **provided, further,** that before establishing

any public library, or levying any tax therefor, the municipal authority shall submit the question to the voters of such municipality, and the majority of the voters voting thereon shall authorize the establishment of such library, and the levy of such tax. The question shall be submitted at a general or special election, upon the order of said municipal authority or upon the petition, in case said municipal authority fail or refuse to do so in writing, of twenty per centum of the qualified voters resident of the municipality and the election, when ordered, shall be conducted, held and returned in all respects as other elections; and the ballot used shall have written or printed thereon under the heading "public library question" the words in plain letters, "for public library," "against public library." And the municipal authority of said municipality shall give at least two weeks' notice of said election by publishing notice thereof in one or more newspapers published in said municipality; or, if none are therein published, by like notice posted for a like period at each of the voting places in said municipality, and at five other public places for a like period, before said election, giving the date and object of the election.

Sec. 3. **Appointment of Board.** Whenever such public library is established under this act, the chief executive authority of said municipality shall appoint a board of six directors, chosen from the citizens at large from said municipality, with reference to their fitness for such office. Such directors shall hold office for three years from the first day of July following their appointment, and until successors are appointed; but upon their first appointment they shall, at their first meeting, divide themselves into three classes, so that one-third of the number shall hold office for a period of one year, one-third for two years, and one-third for three years. No person shall be ineligible to serve on said board by reason of sex. Vacancies in the board shall be reported to the municipal authorities, and filled by appointment in like manner as original appointments for the unexpired term. The municipal authorities may remove any director for misconduct or neglect of duty. No compensation shall be paid or allowed any director. The chief school officer of each municipality establishing a public library shall be **ex-officio** a member of its library board in addition to the six directors provided for herein.

Sec. 4. **Powers of Board of Directors.** The directors of each public library established under this act shall, immediately after their appointment, meet and organize by electing one of their number as president, and one as secretary. A majority of all the members of any board shall constitute a quorum for the transaction of business. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library as may be expedient and not inconsistent with this act. They shall have exclusive control of the expenditures of all the money collected for the library fund and for the construction of any library building or repairs thereto, and the supervision, care and custody of the grounds, rooms or building constructed, leased or set apart for the purpose; **provided,** that all money received for public library purposes, and deposited in the treasury of such municipality to the credit of the library fund, shall be drawn by the proper municipal officers upon the proper authenticated vouchers of the library board. Public library boards may, with the approval of the municipal authority, lease and occupy or purchase or erect an appropriate building for the use of said library. They shall have power to appoint a suitable librarian and assistants, and prescribe rules for their conduct,

and fix their compensation; and shall have power to remove such appointee, and, in general, to carry out the spirit and intention of this act in establishing and maintaining free public libraries for their respective municipalities.

Sec. 5. **Use of Library.** Each library established under this act shall be free for the use of the inhabitants of the municipality where located, subject to such reasonable rules and regulations as the library board may adopt and publish, in order to render the use of said library of greatest benefit to the greatest number; and said board may exclude from the use of said library any and all persons which shall wilfully violate such rules. The board may extend the privilege and use of said library to non-residents of the municipality upon such terms and conditions as said board may prescribe.

Sec. 6. **Report of Library Board.** Each library board shall, on or before the first day of July in each year, make report to the municipal authority appointing it, stating the condition of the library property, the various sums of money received from the library fund, and all other sources, and how such money was expended, the number of books and periodicals on hand, the number added by purchase and gift, the number lost or mislaid, the number of books loaned out and the general character of such books, together with an itemized budget estimate of expense of the library for the ensuing year, with such other statistical information and suggestions as they may deem of general interest or that may be required by said municipality.

Sec. 7. **Gifts, Devises or Bequests.** All persons desiring to make donations of cash or other personal property or real estate for the benefit of such library shall have the right to vest the title thereof in the library board created under this act, to be held in trust and controlled by such board according to the terms and for the purposes set out in the deed, gift, devise or bequest.

Sec. 8. **Penalties for Injury to Property.** Any one who shall wilfully deface or injure any building or furniture, or deface, injure or destroy any picture, plate, engraving, map, newspaper, magazine or book, or any object of art belonging to a public library, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine of not less than five dollars or more than fifty dollars, or by imprisonment not exceeding six months. The fine in each case shall be paid to the proper officer or custodian of the library fund to be used by such library as other money paid into its treasury.

Sec. 9. **Penalties for Failure to Return Books.** Any person who shall wilfully detain any book, newspaper, magazine, pamphlet or manuscript belonging to such library, or to any incorporated library, for thirty days after notice in writing from the librarian, after the expiration of the time such books, newspaper, magazine, pamphlet or manuscript may be kept according to the rules and regulations of said library, shall be liable for damages, to be recovered by said library board, by appropriate proceeding before a justice of the peace; the recovery in each case to be paid to the proper officer or custodian of its funds; **provided,** that the notice required hereby shall include a copy of this section.

ABOLISHING THE COMMON DRINKING CUP

(Being Chapter Twenty-three, Acts of Nineteen Hundred Thirteen)

Section 1. **Use of Common Drinking Cups.** That the use of the common

drinking cup, an undoubted source of communication of infectious diseases, is hereby prohibited in all public places, upon all railroad trains and boats, carrying passengers, in all public buildings of every description, and at public drinking springs and fountains within this State. The state board of health shall have full authority to establish rules and regulations to make this prohibition effective, as in their judgment may seem wise and proper. All persons, firms or corporations failing to observe the provisions of this act, or the rules and regulations of the state board of health made in relation thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten nor more than fifty dollars for each offense.

PROHIBITING THE USE OF CIGARETTES

(Being Sections of Chapter Sixteen, Acts of Nineteen Hundred Thirteen)

Sec. 2. That it shall be unlawful for any person under the age of twenty-one years to smoke, or to have about his person, or premises, any cigarette or cigarette paper, or any other form prepared to be filled with smoking tobacco for cigarette use. Any person violating the provisions of this section shall be punished by a fine of not exceeding five dollars; **provided,** that the court or justice trying the case may remit the penalty for violation of this section, upon the disclosure by the person charged with the offense of the name of the person, firm or corporation from whom he obtained any such cigarette or cigarette paper.

Sec. 4. Every person who shall smoke or use a cigarette or cigarettes in any school building or any buildings or such parts thereof as may be used for school purposes, or on any lands used for school purposes, shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by a fine of not less than one nor more than five dollars.

STATE DEPARTMENT OF HEALTH

(The Legislature of 1915 passed an act creating a state department of health. The following excerpts from this act are given here because of the references to schools and school buildings. Sections are arranged according to Barnes' Code of Nineteen hundred sixteen.)

Sec. 1. (2) **Commissioner of Health—Powers and Duties.** The commissioner of health shall be appointed by the governor, by and with the consent of the Senate, and shall be a physician skilled in sanitary science, and experienced in public health administration. * * * His duties shall be to * * * inspect and report from time to time the sanitary condition of institutions, schools and school houses, public conveyances, dairies, creameries, slaughter houses, workshops, factories, labor camps, hotels, and places where offensive trades or industries are conducted; inspect and report the sanitary condition of streams, sources of water supply, and sewerage facilities; endeavor to enlist the co-operation of all physicians, and volunteer health organizations in the improvement of public health; promulgate information to the general public in all matters pertaining to public health. * * *

Sec. 4. **Inspectors and Examiners—Powers and Duties.** Inspectors, examiners or other persons appointed by the commissioner of health may be

appointed at such time or times as by him deemed necessary; and they shall act as representatives of the commissioner of health, and under his direction, shall secure the enforcement of the provisions of the public health laws and regulations, and shall have the right of entry into any workshop, public school, factory, dairy, creamery, slaughter house, hotel, or other place of business or employment, or any common carrier or public utility when in the discharge of official duties. Any person interfering with or attempting to interfere with any inspector, examiner or any other duly authorized employee of the commissioner in the discharge of his duties under this section shall be guilty of a misdemeanor and upon conviction fined not exceeding one hundred dollars.

Sec. 2. **Public Health Council.** Whenever the character and location of plumbing, drainage, water supply, sewers and disposal of sewage, garbage, or other waste materials of cities, towns and villages, offensive trades, hotels and labor camps; and the ventilation, warming, natural lighting and excreta disposal in public utilities, in public halls, churches, school houses, workshops, prisons and all other public institutions, are such as to endanger the public health, the public health council shall have power to make and enforce rules regulating the same. * * *

Sec. 4. **Control of Tuberculosis Sanitarium.** The state department of health shall have the advisory medical supervision of the state tuberculosis sanitarium, and the state board of control shall have the control of the business and fiscal affairs thereof. The director of the division of preventable diseases under the supervision of the commissioner of health, shall encourage measures for the suppression of tuberculosis, such as clinics, camps, open-air schools, sanitaria, district nursing, anti-tiberculosis societies, diffusion of knowledge, and other means.

STATE COMPENSATION ACT

(Being Section 9 of Chapter 17, Acts of the Legislature of nineteen hundred nineteen, regular session. By the provisions of this act boards of education may in behalf of their employees, take advantage of the State Compensation law. Full particulars may be obtained by communicating with the State Compensation Commission, Charleston.)

Sec. 9. All persons, firms, associations and corporations regularly employing other persons for the purpose of carrying on any form of industry or business in this State, county and municipal corporations, the State of West Virginia, and all governmental agencies or departments created by it, are employers within the meaning of this act, and subject to its provisions. All persons in the service of employers as herein defined and employed by them for the purpose of carrying on the industry, business or work in which they are engaged, and check weighmen as provided for in chapter twenty, acts of one thousand nine hundred and eleven, are employees within the meaning of this act and subject to its provisions, provided that the act shall not apply to employers of employees in domestic or agricultural service, persons prohibited by law from being employed, traveling salesmen, to employees of any employer while employed without the State; nor shall a member of a firm of employers, or any officer of an association, or of a corporation employer, including managers, superintendents, assistant managers

and assistant superintendents, any elective official of the State, county or municipal corporation be deemed an employee within the meaning of this act.

The premiums and all expenses in connection with the election of the governmental agencies and departments of the State of West Virginia shall be paid out of the state treasury out of the appropriations made for such agencies and departments, in the same manner as other disbursements are made by such agencies and departments.

Municipal corporations shall provide for the funds to pay their prescribed premiums into the fund, and said premiums and premiums of state agencies and departments shall be paid into the fund in the same manner as herein provided for other employers subject to this act.

Any employer whose employment in this State is to be for a definite or limited period, which could not be considered "regularly employing" within the meaning of this act, may elect to pay into the workmen's compensation fund the premiums herein provided for, and at the time of making application to the commissioner, such employer shall furnish statement under oath showing the probable length of time the employment will continue in this State, the character of the work, an estimate of the monthly payroll, and any other information which may be required by the commissioner. At the time of making application such employer shall deposit with the state compensation commissioner to the credit of the workmen's compensation fund the amount required by section twenty-four of this act, which amount shall be returned to such employer if his application be rejected by the commissioner. Upon notice to such employer of the acceptance of his application by the commissioner, he shall be an employer within the meaning of this act, and subject to all of its provisions.

Any foreign corporation employer electing to comply with the provisions of this act and to receive the benefits hereunder, shall at the time of making application to the commissioner, in addition to the other requirements of this act, furnish such commissioner with a certificate from the secretary of state showing that it has complied with all the requirements necessary to enable it to legally do business in this State, and no application of such foreign corporation employer shall be accepted by the commissioner until such certificate is filed.

For the purpose of this act a mine shall be adjudicated within this State when the main opening, drift, shaft or slope is located wholly within this State.

Any employee within the meaning of this act whose employment necessitates his temporary absence from this State in connection with such employment and such absence is directly incidental to carrying on an industry in this State who shall have received injury during such absence in the course of and resulting from his employment, shall not be denied the right to participate in the workmen's compensation fund.

An independent contractor who sub-lets any portion of his contract shall be considered the employer of the employees of any sub-contractor and shall carry on his payroll the names of such sub-contractor's employees and pay the prescribed premium on their wages during the period such employees are working under his contract.

THE CHILD LABOR LAW

(Being chapter 131 of the Acts of the Legislature of nineteen hundred nineteen, regular session.)

Section 1. That no child under fourteen years of age shall be employed, permitted or suffered to work in, about, or in connection with any gainful occupation except agriculture or domestic service; provided that boys twelve years of age or over may be employed in mercantile establishments and business offices outside of school hours provided that they obtain a special work permit from the school authorities as hereinafter provided.

That it shall be unlawful for any person, firm or corporation to employ, permit, or suffer any child under fourteen years of age to work in any business or service whatever during any of the hours when the public schools of the school district in which the child resides are in session.

Sec. 2. That no child under the age of sixteen years shall be employed, permitted, or suffered to work in any occupation dangerous to the life or limb, or injurious to the health or morals of such child. The state commissioner of labor, the state commissioner of health, or the state superintendent of free schools may from time to time, after hearing duly had, determine whether or not any particular trade, process of manufacture, or occupation in which the employment of children under the age of sixteen years is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture, or occupation, is sufficiently dangerous to the lives or limbs or injurious to the health or morals of children under sixteen years of age to justify their exclusion therefrom. No child under sixteen years of age shall be employed, permitted or suffered to work in occupation thus determined to be dangerous or injurious to such children. There shall be a right of appeal to the supreme court of appeals from any such determination.

No child under the age of sixteen years shall be employed, permitted, or suffered to work in any mine, quarry, tunnel or excavation. No child under the age of sixteen years shall be apprenticed, given away, let our, or otherwise disposed of to any person or company to engage in the occupation or service of rope or wire walker, gymnast, contortionist, circus rider, acrobat or clown, nor in any indecent, obscene or immoral exhibition or practice; and it shall be unlawful for any person, firm or corporation, to take, receive or employ such child for any of the purposes or occupations mentioned in this paragraph.

Sec. 3. That no child between the ages of fourteen and sixteen years shall be employed, permitted, or suffered to work in any gainful occupation, unless the person, firm or corporation by whom such child is employed, permitted, or suffered to work, obtains and keeps on file and accessible to officers charged with the enforcement of this act, a work permit issued by the superintendent of schools of the city or county in which such child resides, or person authorized by him in writing. The superintendent of schools or person authorized by him in writing shall issue such work permit only upon receipt of the following documents:

Proof of Prospective Employment

A written statement signed by the person for whom the child expects to work,

that he intends legally to employ such child and agrees to return the work permit to the issuing officer within two days of the termination of such child's employment.

Proof of Age

(a) A birth certificate or attested transcript thereof issued by a registrar of vital statistics or other officer charged with the duty of recording births.

(b) Or a record of baptism or a certificate or attested transcript thereof showing the date of birth and place of baptism of the child.

(c) Or a **bona fide** contemporary record of the date and place of the child's birth kept in the Bible in which the records of the births of the family of the child are preserved, or other documentary evidence approved by the state commissioner of labor, such as a passport showing the age of the child, a certificate of arrival in the United States issued by the United States immigration officers and showing the age of the child, or a life insurance policy; **provided,** that such other satisfactory documentary evidence has been in existence at least one year prior to the time it is offered in evidence; and **provided, further,** that a school record or parent's, guardian's or custodian's affidavit, certificate, or other written statement of age alone shall not be accepted.

(d) A certificate signed by the public health physician or a public school physician specifying what in the opinion of such physician is the physical age of the child; such certificate shall show the height and weight of the child and other facts concerning its physical development revealed by examination and upon which the opinion of the physician as to the physical age of the child is based. In determining such physical age the physician shall require that the school record or the school census record showing the child's age be submitted as supplementary evidence.

The issuing officer shall require first the proof specified in sub-division (a) and shall not accept the proof designated in any subsequent sub-division until he shall have been convinced that the proof specified in the preceding sub-division cannot be obtained.

Proof of Schooling

A certificate signed by the principal of the school last attended showing that the child can read and write correctly simple sentences in the English language and that he has satisfactorily completed the studies covered in the first six yearly grades of the elementary public schools, or their equivalent; in case such certificate cannot be obtained, then the officer issuing the work permit shall examine such child to determine whether he can meet the educational standard specified and shall file in his office a statement setting forth the result of such examination.

Proof of Physical Fitness

A certificate signed by a medical inspector of schools or public health officer stating that the child has been examined by him and in his openion has reached the normal development of a child of its age, and is in sound health and physically able to be employed in the occupation in which the child intends to engage.

Provided, that the superintendent of schools, or person authorized by him in writing shall have authority and is hereby empowered to issue a vacation work permit to children fourteen years of age or over without requiring a statement that the child has completed the sixth grade of the elementary course of study, or its equivalent, as hereinbefore provided. Such vacation work permit shall be different in form and color from the regular work permit and shall be valid only during the time when the public schools of the district in which the child resides are not in session. Every vacation work permit shall be null and void on the day the public schools open for regular session. **Provided, further**, that the superintendent of schools or person authorized by him in writing shall have authority and is hereby empowered to issue a special work permit to any boy twelve years of age or over to work in business offices and mercantile establishments outside of school hours without requiring a statement that he has completed any school grade whatsoever.

Sec. 4. That the work permit mentioned in the foregoing section shall set forth the full name, the date and place of birth of the child with the name and address of his parent, guardian, or custodian and shall certify that the child has appeared before the officer issuing the permit and submitted the proofs of age, physical fitness, schooling and prospective employment required in the foregoing section. Printed forms for these permits and certificates shall be prepared and furnished by the state commissioner of labor to the superintendent of schools in the cities and counties of the State. A copy of each permit issued shall be forwarded to the state commissioner of labor within four days of its issuance and there shall be kept in the office of the issuing officer a record of all permits granted and of all applications denied as well as all certificates of age, schooling, physical fitness and prospective employment submitted by the applicants for permits. The state commissioner of labor may at any time revoke a permit if in his judgment it was improperly issued and for this purpose he is authorized to investigate into the true age of any child employed to hear evidence and to require the production of relevant books or documents; if the permit be revoked the issuing officer and the person employing the child at the time shall be notified of such action, and the child shall not thereafter be employed or permitted to labor until a new permit has been legally obtained.

Sec. 5. That upon the request of any employer who is desirous of employing a child who represents his or her age to be sixteen years or over, the local officer charged with the issuance of work permits shall require of such child the proof of age specified in section three of this act and upon receipt thereof if it be found that the child is actually sixteen years of age or over, shall issue to such employer a certificate showing the age and date and place of birth of such child. Such age certificate when filed in the office of the employer shall be accepted by the officer charged with the enforcement of this act as evidence of the age of the child in whose name it was issued. Any officer charged with the enforcement of this act may inquire into the true age of a child apparently under the age of sixteen years who is employed, permitted or suffered to work in any gainful occupation and for whom no work permit or age certificate is on file and if the age of such child be found to be actually under sixteen years the presence of such child in such establishment shall be deemed a violation of the provisions of this act. The state commissioner of labor may at any time revoke any such age certificate if in his judgment it was improperly issued and for this purpose he is authorized to inves-

tigate into the true age of any child employed as in the case of work permits. The issuance of work permits and of age certificates shall be under the supervision of the state superintendent of free schools, who shall seek at all times to standardize this work.

Sec. 6. That no child under the age of sixteen years shall be employed, permitted or suffered to work in, about or in connection with any gainful occupation except agriculture or domestic service for more than six days in any one week, nor more than forty-eight hours in any week, nor more than eight hours in any one day; nor before the hour of six o'clock in the morning, nor after the hour of seven o'clock in the evening of any day. Every employer shall post and keep posted in a conspicuous place in every room where any child between the ages of fourteen and sixteen years is employed, permitted or suffered to work, a printed notice setting forth the maximum number of hours such person may be required or permitted to work each day of the week, the hours beginning and ending work each day and the time allowed for meals; the printed form of such notice shall be furnished by the state commissioner of labor and the employment of such child for a longer time in any day than so stated or at any time other than as stated in said printed notice, shall be deemed a violation of the provisions of this section.

Sec. 7. That it shall be the duty of the state commissioner of labor, his assistants, factory inspectors, school truancy officers and accredited agent of the humane society, to enforce the provisions of this act; **provided, however,** that the provisions relating to the employment of children in mines shall be enforced by the state department of mines, said department to make complaint against any person, firm or corporation, violating any of the provisions of this act, and to prosecute the same before any magistrate or court of competent jurisdiction.

Sec. 8. That any person or agent or representative of any firm or corporation, who violates any of the provisions of this act, or any parent, guardian, or custodian of any child who permits or suffers such child to work in violation of any of the provisions of this act, or any superintendent of county or city schools who illegally issues a work permit to a child, or any person who furnishes false evidence in reference to the age or birthplace or educational qualifications of a child, shall for a first offense be punished by a fine of not less than twenty dollars or more than fifty dollars; for a second offense by a fine of not less than fifty dollars or more than two hundred dollars, or by imprisonment for not more than thirty days or by both such fine or imprisonment; for a third or subsequent offense by a fine of not less than two hundred dollars or by imprisonment for not more than sixty days or by both such fine and imprisonment.

Sec. 9. That sections twenty-four (insofar as it relates to the employment of children) twenty-five, seventy-one, seventy-two, seventy-three and seventy-four, chapter fifteen-h and section sixteen-d (two) chapter one hundred and forty-four, code one thousand nine hundred and sixteen, and all acts or part of acts inconsistent herewith are hereby repealed.

APPENDIX

SCHOOL CALENDAR

July

1. School year begins.
   (On or before) Sheriff settles with County Financial Secretary. (Before) Sheriff reports delinquent property.

1st Monday.—Board of Education meets to employ teachers and to fix salaries, etc.

4. Independence day. Legal Holiday.

3rd Monday.—(or as soon thereafter as practicable) Trustees meet to employ teachers.

20. (On or before) Auditor notified State Superintendent of the amount of the General School Fund.

August

1. (On or before) County Superintendent makes report to State Superintendent.

2nd Tuesday.—Board of Education meets to ascertain the condition of the fiscal affairs of the district and to make up an itemized statement thereof.

2nd Tuesday.—(On or before) Assessor certifies value of property to Secretary of Board and County Superintendent.

4th Tuesday.—Board meets to consider objections to estimate and proposed levy and to lay levy.

4th Tuesday.—(Within three days after) Secretary reports rate of levy.

September

1. (Before) Auditor reports condition of School Fund to the Governor and the State Superintendent.

1st Monday—Labor Day.

October

1. (On or before) High School Aid Fund apportioned.

12. Columbus Day—Not legal holiday. Schools should study Columbus.

November

Last Thursday.—Thanksgiving Day. Legal Holiday.

December

25. Christmas—Legal Holiday.

January

1. New Year's Day.
   (On or before) State Superintendent makes report to Governor.

February

12. Lincoln's Birthday.—Not holiday.—Schools should study Lincoln.
22. Washington's Birthday—Schools shall be open and appropriate exercises held.

April

1. (On or before) Teachers take enumeration.
15. (On or before) Secretary transmits summary of enumeration to County Superintendent.

May

1. (On or before) Governor appoints member of State Board of Education.
1. (On or before) County Superintendent forwards to State Superintendent report of enumeration.
30. Memorial Day.

June

30. School year ends.

FORMS AND INSTRUCTIONS

Order of Proceedings at the First, Second and Third Annual Meetings of the Board

First Meeting—First Monday in July

1. Appoint a secretary.
2. May appoint trustee for each sub-district.
3. Determine the number of months the schools shall be taught in the district during the school year.
4. Employ teachers.
5. Fix the salaries of teachers according to the grade of certificate.
6. Estimate the number of teachers of each grade that will be employed.
7. Ascertain the whole number of months to be taught in the district by teachers of each grade.
8. May establish graded schools, change boundaries of sub-districts and provide for the erection of new buildings.
9. Appoint attendance officer.

Second Meeting—Second Tuesday in August

At this meeting the Board shall ascertain the condition of the fiscal affairs of the district and make up an itemized statement thereof setting forth:

1. The separate amounts due the building fund and the teachers' fund from all sources or to become due these funds within the current fiscal year.
2. All debts and demands upon both funds owed by the district or to become due and payable within the current year.
3. All other expenditures to be made and payable out of each fund within the current fiscal year.

4. The separate amounts necessary to be raised for each fund and the proposed rates of levy.

5. The aggregate value of all taxable property in the district, stating separately the assessed value of real estate, personal property and property assessed by the Board of Public Works.

A copy of the above statement shall be prepared and certified for publication as required by Section 3, School Levies and School Funds. The Board shall then stand adjourned until the fourth Tuesday in August.

Third Meeting—Fourth Tuesday in August

The Board shall at this meeting transact the following business:

1. Hear and consider any objections made to their estimate and proposed levy.

2. Enter an order of record showing the objections made and the reasons for the same.

3. Reconsider the original estimate and proposed rate of levy and correct the same if the objections appear to be well taken.

4. Enter of record the corrections made.

5. Lay the levy.

The following calculations will be convenient for reference in making levies for school purposes:

Number of teachers to be employed in the district	20
Number of months to be taught during the year	6
Amount of money to pay all teachers (estimated)	$7,200

This estimate is made as follows:

5 No. 1 grade teachers at $75 per month	$ 375
10 No. 2 grade teachers at $60 per month	600
5 No. 3 grade teachers at $45 per month	225
Monthly pay	$1,200
Number of months	6
Total for term	$7,200
Deduct amount on hand (est.)	170
Amount to be raised for teachers' fund	$7,030

To ascertain the number of cents to be levied on every one hundred dollars' valuation of property in the district to raise $7,030 by taxation, suppose the whole valuation in the district to be $1,850,000.

RULE—Drop the cents, if any, and add four ciphers to the amount in dollars

to be raised by the levy, and divide by the amount in dollars taxable property.

Example: 1,850,000)7,030,000,0(38 cents*
5,550,000

1,480,000,0
1,480,000,0

Similar calculations should be made in relation to the maintenance building fund.

FORM NO. I

Form of Orders to Be Entered of Record by the Board of Education

OFFICE OF THE BOARD OF EDUCATION.....
DISTRICT, IN THE COUNTY OF.....
WEST VIRGINIA.

At a meeting of the Board of Education held on the.....day of..... 19...., there were present,.....president, and.....and....., members of the board.

On motion of....., it is ordered that.....be, and he is hereby appointed Secretary of this Board.

On motion it is ordered that the following named persons be appointed trustees in the following named sub-districts, for a term of one or three years, and until their successors are appointed and qualified:

Trustee for Sub-District No. 1

.....

Trustee for Sub-District No. 2

.....

On motion of....., it is ordered that the salaries of teachers per month for the school year, shall be as follows, according to the grade of their certificates: For Normal School (Diploma) certificate,** $.....; for grade No. 1, $.....; for grade No. 2, $.....; for grade No. 3, $.....

It is found by the board that in addition to the available funds now on hand, $.....will be necessary for the payment of teachers' salaries for the current year, and on motion of....., it is ordered that a tax of.....cents on the one hundred dollars' valuation of the real estate and personal property of the district be levied for that purpose.

(A similar order should be entered in relation to the levy for building fund.)

On motion of....., it is ordered that the president and secretary of this board be authorized to sign, in vacation, all proper orders for the payment of money out of the teachers' fund or the building fund, for the salaries of teachers

*If the rate exceeds 40c for the teachers' fund or 10c for the maintenance building fund, application should be made to the State Superintendent for supplementary aid.

**Boards may at their discretion fix a higher rate for such certificates.

employed and claims allowed by the board, and that they report the orders drawn on each fund, at the next meeting of this board.

The secretary of this board made a report this day for the several orders drawn by him and the president, on the teachers' fund and the building fund, respectively, since the last meeting of the board, as follows: An order on the teachers' fund, in favor of....., a teacher, for $.....; an order in favor of....., a teacher, for $.....; also an order on the building fund, in favor of..... for work done on.....school house, for $.....; and an order, in favor of.....for furnishing wood for.....school house for $.....

On motion of....., it is ordered that when in the opinion of the president or of the two commissioners it is deemed necessary, the president or secretary may call a special meeting of this board.

On motion the board does now adjourn.

....
Secretary President

FORM NO. II

Order of Appointment to Fill a Vacancy in the Board of Trustees

[To be entered in records of the board.]

There being a vacancy in the board of trustees in sub-district No....., in the district of....., on motion of....., it is ordered that .....be, and he is hereby appointed to fill said vacancy for the unexpired term, and till his successor shall be appointed and qualified.

Note—This order of appointment should be entered in the record book of the board of education at a regular meeting and a copy of it signed by the secretary of the board served upon the appointee.

FORM NO. III

Appointment of a Member of the Board of Education to Fill a Vacancy

OFFICE OF COUNTY SUPERINTENDENT,
OF THE COUNTY OF.....
....., West Virginia....., 19....

It having been made known to me that there is a vacancy in the board of education in.....district in my said county, I....., county superintendent of said county, in pursuance of the authority vested in me by law, hereby appoint.....to fill the vacancy in said board until the next general election.

....., COUNTY SUPERINTENDENT

FORM NO. IV

Call for Special Meeting

OFFICE OF.....)
.....DISTRICT,)
.....COUNTY, W. VA.)
....., 19....

It appearing to.....that a special meeting of the board of education of said district is necessary to transact business relating to.....and other matters, a meeting is hereby called at.....at..... o'clock.....M, ...19..... You are requested to be present.

.....SECRETARY

To.....

INDEX

	Sec.	Page
Accounts:		
Expense:		
advisory council	5	10
for attending conferences	37	19
state board of education	5	10
state superintendent of schools	17	15
supervisor of colored schools	25	17
trustees	53	24
teachers' institute	118	45
uniform examination fees	100	39
Acts:		
abolishing the common drinking-cup		87
child labor		91-94
extension of term in normal-training high schools		77
prohibiting the use of cigarettes		88
public libraries		85-87
school code		9-68
school levies and school funds		69-76
state board of control		78-85
state compensation act		89-90
state department of health		88-89
Additional:		
fund purposes	9	73
levy for elementary and high schools	5 d	71
salary for teachers	55	25
term of school	54	25
Age:		
birth certificate may be required by attendance officer	123	47
children admitted to kindergarten schools	60	29
compulsory attendance	122	46
children under fourteen not to be employed	1	91
deaf and blind, compulsory attendance	130	49
employed children shall attend evening schools	129	49
enumeration of youths between six and twenty-one	91-92	38
legal school	54	25
proof, required in the employment of children	3 a-d	92
teacher's minimum	96	38
unemployed children under sixteen shall attend school	128	48
Appeal:		
county superintendent concerning transfer of pupils	59	29
supreme court concerning use of school funds	12	75
Applicants:		
coupons of credit	121	45
elementary certificates	104	40
emergency certificates	109	42
high school certificates	105	41

	Sec.	Page
renewal of certificates	111	43
short-course certificates	107	42
special certificates	108	42
teacher's certificates, general requirements	96	38
Appointment:		
advisory council for colored schools	5	10
assistants for conducting examinations	99	39
assistants to state superintendent	25	17
attendance officers	123	47
district supervisors	56	26
medical inspectors and school nurses	64	30
members state board of control	1	78
members state board of education	4	9
secretary district board of education	69	31
secretary state board of education	6	11
teachers	57	27
trustees	53	24
uniform examination graders	102	40
vacancies in district board of education	43	21
Assessor:		
certificate of valuation of property	72	32
penalty for failure to perform duty	74	32
Attendance:		
district institute	120	45
compulsory	122-130	46
county institute	114	44
officer	123	47
Auditor:		
general school fund, amount reported by	7	72
inmates of industrial school listed by	169	60
institute fees sent to	119	45
report of state board of control to	182	63
schools, deaf and blind, expense for clothing	154	57
uniform examination fees sent to	100	39
Authority:		
board of education:		
to appoint trustees	53	24
to appoint district supervisors	56	26
to provide kindergartens	60	29
to purchase flags	63	30
to establish teachers' retirement fund	66	31
to close schools for lack of attendance	58	28
to discontinue high schools	84	36
teacher's	87	36
Ballot:		
bonded indebtedness	9 c	73
secretary to prepare and furnish	10	74
vote on increasing levy	5 d	69
Blanks and Forms:		
child labor permits and certificates	4	93
furnished by state superintendent	19	15
preparation of forms for levies	13	76
teachers' reports	87	37
Used by boards of education	(Appendix)	100

	Sec.	Page
Boards:		
abolished	16	15
county and district high school	78	33
district board of education	41-68	21
school fund, constitutional provision	XII, 4	5
state board of control	1-16	78
state board of education	4-16	9
state board of health	1-4	88
Bond:		
contractors, repair of school houses	52	24
county superintendent of schools	31	17
members state board of control	1	78
publishers of text books	11 b	13
Bonds:		
bonded indebtedness, constitutional provision	X, 8	4
outstanding bonded indebtedness	9 b	73
sinking fund to pay bonded indebtedness	9 b & c	73
voting of	183	64
Books:		
free text	65	30
public libraries (See public libraries)	1-9	85
school libraries	62	29
school text, adoption (See text books, also)	11	12
Branches:		
elementary certificates examination	104	40
normal school	147	53
Building Fund:		
building, furniture, equipment, and repairs	50	23
expenses of trustees to be paid out of	53	24
janitors to be paid out of	53	24
levy for elementary schools	5	71
levy for high schools	5	71
oil and gas rental to be credited to	48	22
proceeds for sale of school property added to	48	22
teacher's expenses for transportation of free text books	65	30
Buildings:		
district high school	78	33
dormitories for high schools	83	36
janitors for	53	24
joint district or county	79	33
plans to be approved	10	12
repair and equipment of	50	23
school houses	50	23
Certificates:		
credit for grades made in school	110	43
emergency	109	42
elementary	104	40
high school	105	41
life	111	43
normal school	104	41
renewal of	111	43
revocation of	112	44
special	108	42
supervisors	106	42

	Sec.	Page
Child Labor Law:		
age certificates	5	93
children under fourteen not to be employed	1	91
children under sixteen not to be employed in dangerous occupations	2	91
enforcement of the child labor law	7	94
inconsistent acts repealed	9	94
maximum number hours children may be required to work	6	94
penalties	8	94
work permits and proof of prospective employment, age, schooling, and physical fitness required	3	91
Cigarettes:		
use prohibited on school property	2, 4	88
Clerk of County Court:		
certify to name and bond of county superintendent	31	17
keep a record of settlement with sheriff	190	66
rate of levies to be reported to	6	71
Colored:		
institute, Bluefield	151	56
institute, Collegiate	150	55
members of advisory council	5	10
schools	67	31
state supervisor	25	17
youth not to be taught with white (constitutional pr.)	XII, 8	6
Compensation:		
advisory council	5	10
assistants in uniform examination	99	39
attendance officer	123	47
county superintendent of schools	33	18
county financial secretary	38	19
district board of education	45	21
institute attendance	114	44
institute instructors	117	45
janitors	53	25
school librarian	62	29
secretary to state board of education	6	11
state board of education	5	10
teachers	55	25
state superintendent of schools	17	15
supervisor of colored schools	25	17
Compulsory Attendance:		
age, time, misdemeanor	122	46
aiding or abetting violation of	126	48
attendance officer—duties	123	47
deaf and blind	130	49
excused for attendance for	122 a-i	46
fine against parent or guardian	122	47
fines collected	127	48
fine for neglect of duty	125	48
part time schools for employed children between 14-16 years	129	49
secretary to furnish enumeration list	124	48
unemployed children 14-16 shall attend school	128	48
Contracts:		
breaking of	57	27
school building and repairs	50-52	23
teachers	86	36
text books	11	12

	Sec.	Page
County Superintendent of Schools:		
compensation	33	18
election, qualification, oath, bond	31	17
may hold conference	37	19
shall be chief executive officer	35	19
shall be county financial secretary	38	19
shall exercise other authority	40	20
shall make annual report	39	20
shall visit schools	36	19
vacancy, how filled	32	18
Courses of Study:		
publication of	23	16
reading circle	121	35
schools supported by state funds	9	12
state normals	156	57
Credit:		
coupons for professional work	121	45
grades made in school	110	43
sheriff's accounts	188	66
Deaf and Blind:		
Compulsory education	130	49
West Virginia Schools for the Deaf and the Blind	152	56
admission	153	56
clothing	154	57
compensation for registration	158	58
course of instruction	156	57
registration	157	57
Debt:		
constitutional provision for	X, 7	4
officials not to incur	12	75
sinking fund to discharge	9 b	73
Definitions:		
school, district, teachers	1	9
school district	2	9
school year	3	9
Dental and Medical Clinics:		
board of education may provide for	50	23
District:		
constitutional provision for change	XII, 6	6
definition of	1	9
high school	78-79	33
how laid off	VIII, 27	3
independent, how created	XII, 10	6
institutes	120	45
sub-divisions of	3	9
supervisor	56	26
duties	56	26
may be appointed jointly by two or more districts	56	26
qualifications	56	26
term of employment	56	26
District Board of Education:		
bond required from contractors	52	24
evening schools and other school extension activities	61	29
free text-books	65	30

	Sec.	Page
how constituted—election—term	41	21
may appoint district supervisor	56	26
penalty	74	32
report	75	32
report rate of levy	73	32
salary	76	33
may provide kindergarten	60	29
medical inspection and school nurses	64	30
meetings, quorum, compensation	45	21
minimum salaries for teachers—board may increase	55	25
minimum school term—board may extend the same	54	25
oath of office	44	21
other duties	68	31
school land	47	22
shall appoint teachers	57	27
shall have general control	58	28
school property may be sold	48	22
secretary	69-77	31
abstract of proceeding	70	32
administer oaths	71	32
assessor's certificate	72	32
general duties	69	31
other duties	77	33
penalty	74	32
report	75	32
report, rate of levy	73	32
salary	76	33
shall provide school sites	49	23
shall provide buildings, furniture, and equipment	50	23
shall provide school libraries	62	29
shall provide schools for colored pupils	67	31
tie in the vote	42	21
transfer of pupils—tuition	59	28
the district board a corporation	46	22
vacancy, how filled	43	21
Drinking Cup:		
use of common drinking cup prohibited; penalties	1	87
Duties:		
attendance officer	123	47
county superintendent	35-40	19
district board of education	46-68	22
district supervisor	56	26
secretary of district board of education	69-77	31
sheriffs, as to school funds	185-193	65
state board of control	9-18	81
state board of education	7-15	11
state superintendent	18-26	15
teachers	86-95	36
Election:		
ballot of levies	10	74
county superintendent of schools	31	17
district board of education	41	21
tie in the vote	42	21
district high school	78	33
joint or county high school	79	33
school, how held	184	65
state superintendent of schools	17	15

	Sec.	Page
Elementary:		
certificates	104	40
diplomas	23	16
Emergency Certificates:		
under regulation of state board of education	109	42
Employment:		
assistants for conducting examination	99	39
assistants, state superintendent	25	17
attendance officers	123	47
children (see Child Labor Act)	1-9	91
clerical assistants, state board of control	8	80
employees of state educational institutions	7	11
medical inspectors and school nurses	64	30
supervisors	56	26
teachers	57	27
Enumeration:		
by whom taken	91-93	38
copy with names of attendance officers for teachers	124	48
deaf and blind	130	49
manner of taking and reporting	92	38
record and report of	94	38
Examination:		
assistants for	99	39
elementary certificates	104	40
expenses of	98	39
fees collected	100	39
grading of manuscripts	102	40
high school certificates	105	41
penalties for fraud	103	40
renewal	111	43
special certificates	109	42
supervisor's certificates	106	42
time and place of holding	97	39
transmitting questions and manuscripts	101	39
Excuse:		
compulsory attendance	122	46
institute attendance	114	44
Expenses:		
advisory council	5	10
board of education, supervisors, and principals for attending conferences	37	19
examinations	98	39
a state board of education	5	10
state department of schools, general school fund	7	72
state superintendent of schools	17	15
state board of control	2	79
supervisor of colored schools	25	17
teachers' institute, to be read	118	45
trustees	53	24
Experiment Station:		
West Virginia University	144	53
Expulsion:		
board of education may expel pupils	87	37
Pupils having contagious diseases shall be excluded from school	87	37

	Sec.	Page
Extension:		
department of university	139	51
minimum term	54	25
schools	61	29
Fees:		
institute	118	45
renewal of certificates		77
tuition:		
elementary schools	59	28
high schools	81	35
uniform examination	100	39
Financial Secretary, County:		
county superintendent to be	38	19
sheriff to settle with	187	66
Fines:		
aiding or abetting violation of compulsory attendance	126	48
collection of	127	48
compulsory education for the deaf and blind	130	49
destruction of school property	8	87
financial secretary for failure to make report	39	20
fraud in examinations	103	40
school officers for neglecting to enforce compulsory attendance	125	48
use of cigarettes	2 ,4	88
use of common drinking cup	1	87
Fires:		
building of	53	24
Flags:		
board of education, may purchase	63	30
Forfeitures and Fines:		
to go to the general school fund	7	72
Forms and Blanks:		
child labor, state commissioner of labor	4	93
levies, state tax commissioner	13	76
school; general statistics	19	15
vocational education, state board of education	133	51
Free Text Books:		
district board of education may provide	65	30
regulation for distribution and care of books	65	30
Fund:		
additional purposes	9	73
building:		
for elementary schools	5	71
for high schools	5	71
teachers:		
for elementary schools	5	71
for high schools	5	71
general school fund	7	72
vocational (Smith-Hughes)	131	50
Furniture:		
for school buildings to be provided by board	50	23
for district and county high schools	78-79	33

	Sec.	Page
General:		
school fund	7	72
to be made up from what	7	72
use of	7	72
constitutional amendment	XII, 4	6
supervision of schools:		
consituutional provision	XII, 12	6
Girls' Home (See industrial home for girls):		
West Virginia Industrial	172-180	61
Governor:		
advisory council, appointed by	5	10
biennial report of state superintendent to	24	16
board of control appointed by	1	78
state board of education appointed by	4	9
Graded Schools:		
central, or consolidated schools	58	28
may extend term	54	25
principals to hold first grade certificates	104	41
Grades:		
from accredited schools in lieu of examination	110	43
of certificates	104	40
Graduates:		
Bluefield colored institute	151	56
high school certificates granted to	105	41
normal school certificates granted to	48	22
short course certificate granted to	107	42
state normal	147	53
supervisor's certificates granted to	106	42
West Virginia Collegiate Institute	150	55
West Virginia University	138	51
Health:		
board may provide medical and dental clinics	50	23
closing of schools on account of contagious diseases	57	27
commissioners of health, powers and duties	1, 2	88
control of tuberculosis sanitarium	4	89
inspectors and examiners, powers and duties	4	88
public health council	2	89
pupils having contagious diseases shall be excluded	87	37
High School:		
Additional funds	9	73
certificates	105	41
classification	82	35
county and district	78-79	33
dormitories	83	36
junior	85	36
levy	5	71
may be discontinued	84	36
normal training—state aid	80	34
requirements for teachers' certificates	104	40
state aid	82	35
text-books exempt from state adoption	11	12
tuition	81	45
Holidays:		
how observed	57	27

	Sec.	Page
Home for Girls (See Industrial Home for Girls):		
West Virginia Industrial	172-180	61
Houses (See buildings):		
school	50	23
Improvement:		
legislature to encourage; constitutional provision	XII, 12	6
school buildings and repairs	50	23
Indebtedness:		
bonded, constitutional provision	X, 8	4
outstanding bonds	9 b	73
sinking fund to pay	9 b & c	73
unlawfully incurred by board; penalty	12	75
Industrial School for Boys	159	58
certification of list and credits to county court—levy compelling payment	170	61
commitments	160	58
commitment fees	164	59
conveyances of youths to school—expenses	165	59
convicts	161	58
date accompanying commitment	162	58
list of inmates for auditor	169	60
offenses	166	60
payment by counties of cost of detention—reimbursement	168	60
parole	171	61
proceedings for commitment	163	59
transfers between school and penitentiary	167	60
Industrial Home for Girls:		
admission	173	61
binding out inmates as apprentices	177	62
cruelty to apprentices	178	63
date accompanying commitment—return and sentence	174	62
jurisdiction of apprentices—by circuit court—desertion	180	63
name—location	172	61
removal of apprentices—escapes	179	63
separation of races	176	62
trial on complaint	175	62
Inspection:		
medical	64	30
Institute:		
Bluefield Colored	151	56
West Virginia Collegiate	150	55
Institutes, Teachers:		
attendance	114	44
certificate of attendance	115	45
district	120	45
enrollment fee	118	45
instruction	116	45
pay of instructors	117	45
reading circles—coupon of credit	121	45
report to be made	119	45
time and place of holding	113	44

	Sec.	Page
Janitors:		
appointment of	53	24
compensation	53	24
Joint:		
district high schools	79	33
schools	51	24
Judgment:		
against sheriff for failure to pay orders	192	67
Jury:		
teachers exempt from serving on	88	37
Justices:		
to commit incorrigible boys to industrial school	160	58
to remit fines to sheriff	127	48
to try cases under compulsory attendance law	122 i	46
Kindergarten:		
board may provide	60	29
certificates	108	42
Lands:		
board may purchase	49	23
condemned for educational purposes	49	23
county superintendent to approve	49	23
may be sold by board of education	48	22
title to school sites	47	22
Laws:		
abolishing the common drinking cup		87
child labor		91-94
constitutional provisions		3-6
extension of term in normal training high schools		77
prohibiting the use of cigarettes		88
public libraries		85-87
school code		9-68
school levies and school fund		69-76
state board of control		78-85
state compensation act		89-90
state department of health		88-89
Legislature:		
free schools, to be provided for	XII, 5	6
improvements, to emcourage	XII, 12	6
levy, power of	X, 5	4
term of office to be prescribed by	IV, 8	3
Levy:		
additional	9	73
constitutional provision for	XII, 5, 7	6
elementary schools	5	71
high school	5	71
meetings for laying	1	69
secretary to report	6	71
vore on, to extend school term	54	25
Libraries:		
board of education to provide	62	29
pay of librarian	62	29
public (see public libraries)	1-9	85

	Sec.	Page
Life:		
certificates	111	43
Location:		
school buildings, to be approved	50	23
school sites, to be approved	49	23
Mandamus:		
board may be compelled to provide colored schools	67	31
school officers may be removed by	12	75
Manual:		
course of study	23	16
Maximum Rate of Levy:		
high schools	5	71
maintenance building fund	5 a	71
new building fund	5 b	71
teachers' fund	5 c	71
Medical:		
clinics	50	23
health certificates may be required of teachers	64	30
inspection	64	30
Meetings:		
district board of education	45	21
may be held in school houses	61	29
state board of education	5	10
Members:		
advisory council	5	10
district board of education	41	21
state board of control	1	78
state board of education	4	9
Minimum:		
salaries of teachers	55	25
school term—may be extended	54	25
Misdemeanor:		
aiding or abetting violation of compulsory attendance	126	48
enticing youths away from the industrial school	166	60
failure to comply with the compulsory attendance law for the deaf and blind	130	49
failure to keep children in school	123	47
failure to report taxable property and rate of levy	74	32
fraud in examination	103	40
neglect to enforce compulsory attendance law	125	48
violations of child labor act	8	94
Neglect of Duty:		
county superintendent's failure to make annual report	39	20
failure to enforce compulsory attendance law	125	48
school officers may be removed for	IV, 6	3
Normal Schools:		
colored teachers	150	55
short course in high schools	80	34
state	147	53

	Sec.	Page
Notice:		
of attendance officer to parents	123	47
of election for district high school	78	33
of meeting of board of education	45	21
of school elections for levies	10	74
of election for all school purposes	184	65
Oath:		
county superintendent of schools	31	17
district board of education	44	21
secretary of board may administer	71	32
state board of control	1	78
state board of education	4	9
Objections:		
to estimate and proposed levy	5	69
to sheriff's settlement	191	67
Offense:		
compulsory attendance law	122	46
compulsory attendance of deaf and blind	130	49
Officers:		
fined for neglect of duty	125	48
may be removed, constitutional provision	IV, 6	3
Order:		
books to be kept by secretary	69	31
for purchase of free text-books	65	30
of proceedings at annual meeting of board (Appendix)		98
Orders:		
failure of sheriff to pay	192	67
teacher's	90	37
Payment:		
attendance officers	123	47
bonds	9	73
compensation for taking enumeration	93	38
county superintendent's salary	34	18
examination fees	100	39
high school tuition	81	35
Institute fees	118	45
institute instructors	117	45
orders on sheriffs	186	65
teacher's salary	90	37
tuition	59	28
Penalties:		
aiding or abetting violation of compulsory attendance	126	48
compulsory education for the deaf and blind	130	49
destruction of school property	8	87
financial secretary for failure to make report	39	20
fraud in examinations	103	40
school officers for neglecting to enforce compulsory attendance	125	48
use of cigarettes	2, 4	88
use of common drinking cup	1	87
violation of compulsory school law	122	46
Plans and Location for School Buildings:		
to be approved by county superintendent	50	23
to be selected by county superintendent, when	50	23

	Sec.	Page
Powers:		
county superintendent of schools	35-40	19
district board of education	46-68	22
legislature to levy; constitution provision	X, 5	4
state board of control	9-18	81
state board of education	7-16	11
state superintendent of schools	18-26	15
Preparatory Branch of the State University:		
West Virginia vocational school	148	54
President:		
district board of education	41	21
state board of control	1	78
state board of education	6	11
Primary Certificates:		
special certificates	108	42
Proceedings of Board:		
abstract to be posted	70	32
Proceeds:		
levy to be used only for purposes levied	9	73
rental for oil and gas from school lands	48	22
sale of school property	48	22
taxes, fines, and forfeitures to go to general school fund	7	72
Professional Certificates:		
renewal of		77
Property:		
board may purchase school sites	49	23
buildings, furniture, and equipment	50	23
land may be condemned	49	23
sale of	48	22
taxable, for levy purposes	5	69
title to school sites	47	22
Publications:		
state superintendent	23	16
Purchase:		
furniture, fixtures, equipment, and books	50	23
school land	49	23
text-books to be furnished free to pupils	65	30
United States flags	63	30
Pupils:		
colored	67	31
compulsory attendance	122-130	46
contagious diseases, excluded	87	37
deaf and blind	152-170	56
high school tuition	81	35
medical inspection	64	30
not to be employed	1-3	91
suspension and expulsion	87	37
teacher to have authority over	87	37
Transfer	59	28
transportation of	58	28
tuition	59	28

	Sec.	Page
Qualifications:		
county superintendent	31	17
district supervisors	56	26
institute instructors	116	45
state superintendent	17	15
teachers	104	40
Questions for Examinations:		
preparation and transmittal	101	39
return of manuscripts	101	39
Quorum:		
district board of education	45	21
Rates of Levy:		
additional fund purposes:		
bonded indebtedness	9 b, c,	73
elementary and high schools	9 a	73
elementary schools:		
extension of minimum term	5 d, e	71
maintenance building fund purposes	5 a	71
new building fund purposes	5 b	71
teachers' fund purposes	5 c	71
high schools:		
board may lay additional levy	5	71
maintenance building and teachers' fund	5	71
Reading Circle:		
certificates	121	45
course prescribed by state superintendent	121	45
coupons of credit	121	45
Removal:		
apprentices from industrial home for girls	179	63
members state board of control	1	78
members state board of education	4	9
school officers	IV, 6	3
teachers	57	27
Renewal:		
fees		77
teachers' certificates (see page 77, also)	111	43
Repairs:		
bond required from contractors	52	24
school buildings	51	24
Reports:		
annual, county superintendent	39	20
auditor, concerning general school fund	7	72
biennial, of state superintendent	24	16
district supervisor's	56	26
enumeration	91-94	38
manuals and other publications	23	16
principals and teachers, cases of truancy	124	48
secretary's	75	32
teacher's	89	37
Requirement:		
certificates, general	96	38
elementary	104	40

	Sec.	Page
emergency	109	42
high school	105	41
normal school	104	40
short course	107	42
special	108	42
supervisor's	106	42
Requisitions:		
supplementary aid	7	72
Revocation of Certificates:		
county superintendent shall report cases of immorality	112	44
for drunkenness and immorality	112	44
Rules and Regulations:		
for district supervision	56	26
for holding examinations	97	39
for purchase and distribution of text-books	13	14
for standardization and classification of schools	8	11
for vocational education	133	51
of state board of education	14	14
Salary:		
advisory council	5	10
assistants in uniform examinations	99	39
attendance officer	123	47
county superintendent of schools	33	18
county financial secretary	38	19
district board of education	45	21
institute instructors	117	45
janitors	53	24
principals and teachers in state institutions	7	11
school librarian	62	29
secretary to state board of education	6	11
state board of education	5	10
teachers	55	25
state superintendent of schools	17	15
supervisor of colored schools	25	17
Sale:		
school property	48	22
School:		
board	41-69	21
buildings, furniture, and equipment	50	23
buildings provided jointly	51	24
calendar		97
definition of	1	9
discontinuance of	58	28
districts, definition of	3	9
elections	184	65
holidays	57	27
houses may be used for public meetings	61	29
land	47	22
law:		
to be interpreted by state superintendent	22	16
to be printed and distributed	23	16
libraries	62	29
property, may be sold	48	22
sites	49	23
term, minimum	54	25
year, definition of	2	9

	Sec.	Page
Schools:		
colored	67	31
colored institute	151	56
collegiate institute (colored)	150	55
consolidated	58	28
deaf and blind	152	56
district and county high	78	33
evening, extension, part time, and vocational	61	29
industrial, for boys	159	58
industrial for girls	172	61
preparatory branch of the university	148	54
state normal	147	53
state university	134	51
trades	149	55
School Funds and Levies:		
additional purposes	9	73
building:		
for elementary schools	5	71
for high school	5	71
teachers:		
for elementary schools	5	71
for high schools	5	71
general school fund	7	72
vocational (Smith-Hughes)	131	50
Secretary:		
district board of education	69	31
duties:		
administer oaths	71	32
general	69	31
make abstracts of proceedings	70	32
make other reports	75	32
other duties	77	33
penalty for failing to perform duties	74	32
receive assessor's certificate	72	32
report rate of levy	73	32
county financial	38	19
state board of control	1	78
state board of education	6	11
Settlement:		
sheriff's:		
with financial secretary	187	66
with county court	190	66
to be made with reference to school year	2	9
Sinking Fund:		
provision for	9 b, c	73
Sites:		
school	49	23
Special:		
bond levy	183	64
certificates	108	42
debt levy	9	73
election for laying additional levy	54	25
school elections, how held	184	65

	Sec.	Page
State Board of Control:		
accept gifts for institutions	16	84
appointment of	1	78
conditions and records of institutions to be examined by	8	80
construct, remodel, and repair buildings	13	83
corporation powers	1	78
creation of	1	78
determine kind of animals to be slaughtered	12	82
employ architects	13	83
expenses of members	2	79
fix number and compensation of assistants and employees of institutions	10	81
fix salaries of officers and employees	10	81
forfeit office when	12	82
governor may direct to make investigation	15	84
how constituted	1	78
inspect meats, poultry, etc	12	82
insure institutions	17	85
investigate charges against employees	10	81
make report to governor	15	84
make rules for its conduct	11	82
management and control of certain institutions	3 & 4	79
money due institutions reported to	6	80
offices and fixtures	1	78
pay salaries when	10	81
prescribe records to be kept	14	84
publish and award contracts	12	82
purchase supplies	12	82
recommend removal of certain officers	10	81
removal of	1	78
salaries of employees of	8	80
salaries of members	1	78
secretary and clerks to be appointed by	8	80
set of books to be kept by	8	80
summon witnesses	9	81
time given to duties	1	78
titles vested in	5	79
to have no interest in contracts or gifts	12	82
visit institutions	9	81
State Board of Education:		
board of regents and school book commission abolished	16	15
charters of colleges and other schools to be approved	8	11
emergency certificates regulated by	109	42
high school certificates, requirements	105	41
how constituted, vacancies, how filled	4	9
may be punished for accepting gifts and bribes	12	14
meetings, salary, expenses	5	10
normal school certificates approved by	104	40
organization	6	11
powers and duties	7	11
shall adopt text-books (see text-books)	11	12
shall exercise other authority	15	15
shall make rules relaring to:		
physical education, special schools and duties of school officials	14	14
appropriation of federal money for the removal of illiteracy	14	14
school attendance, classification of schools, and the issuing of certificates upon credentials	14	14
shall prescribe minimum standards for courses of study	9	12
shall regulate purchase, distribution, and care of text-books	13	14

	Sec.	Page
shall require plans for school buildings to be approved	10	12
special certificates to be recommended by	108	42
training of teachers	8	11
vocational education under regulation of	133	51
State Board of Regents:		
abolished	16	15
State Normal Schools:		
Athens	147	53
Fairmont	147	53
Glenville	147	53
Marshall college	147	53
Shepherdstown	147	53
West Liberty	147	53
State Professional Certificates:		
renewal of		77
State Superintendent of Schools:		
election, qualifications, salary, and traveling expense	17	15
may hold conference	21	16
shall distribute state manuals and other publications	23	16
shall employ assistants	25	17
shall exercise other powers and duties	26	17
appoint:		
assistants	25	17
institute instructors	116	45
graders	102	40
issue:		
certificates; of three grades	104	40
emergency certificates	109	42
elementary certificates	104	40
life certificates	111	43
high school certificates	105	41
special certificates	108	42
normal school certificates	104	40
diplomas	23	11
certificates for reading circle work	121	45
requisitions for county superintendent's salary	34	18
notify:		
county superintendents amount of supplementary aid	7	72
county superintendents amount of high school aid	82 d	36
prepare:		
blanks and forms	19	15
manual of course of study	23	16
questions for examinations	97	39
list of library books	23	16
prescribe:		
manner of conducting examinations	97	39
reading circle courses	121	45
provide:		
seal	18	15
examinations in reading circle courses	121	45
renew certificates (see page 77 also)	111	43
revoke certificates	112	44
serve as a member of state board of education	4	9
sign requisitions	18	15
shall give interpretation of school law	22	16
shall have general supervision of schools	19	15
shall institute proceedings	20	16
shall make a biennial report	24	16

	Sec.	Page
State Tax Commissioner:		
shall prepare certain forms	13	76
Sub-district		
creation of	3	9
may be abolished, when	58	28
Subjects:		
designated by board for high school certificates	105	41
examination, for elementary certificates	104	40
Superintendent:		
county	31-40	17
district	56	26
state	17-26	15
Supervisors:		
certificates	106	42
district	56	26
Supplementary Fund:		
general provisions for	7	72
Teachers:		
appointment of	57	27
colored, normal training for	150	55
contracts	86	36
enumeration to be taken by	91	38
examinations and certificates	96-112	38
exempt from serving on juries	88	37
fund	5 c	71
institutes	113-120	44
kindergarten	60	29
may be dismissed and school discontinued	58	28
may be removed for what	57	27
must hold certificates	96	38
payment, how made	90	37
pupils to be reported to attendance officer by	124	48
reading circles	121	45
records and reports	89	37
salaries	55	25
teacher's authority	87	37
Term:		
county superintendent	31	17
length and extention of school	54	25
graded schools:		
connected with normal training high schools		77
members of state board of education	4	9
members of district board of education	41	21
state board of control	1	78
state superintendent	17	15
reports and registers	89	37
trustees	53	24
Text-Books:		
adopted by state board of education	11	12
bids and bonds required	11 b	12
commission abolished	16	15
depositories	11 e	12
deposit from publisher required	11 a	12

	Sec.	Page
free	65	30
gifts and bribes	12	14
regulation as to price	11 c & d	12
rules governing purchase and distribution	13	14
samples and prices to be submitted	11 a	12
Transfer:		
pupils may be transferred—tuition	59	28
Truancy:		
compulsory attendance	122	46
officer	123	47
Trustees:		
appointment of	53	24
authority of	53	24
Tuition:		
elementary school	59	28
high school	81	35
Vacancies:		
county superintendent	32	18
district board of education	43	21
state board of education	4	9
Validity:		
elementary certificates	104	40
emergency	109	42
high school	105	41
normal school	104	40
short course	107	42
special	108	42
supervisors	106	42
Valuation of Property:		
board to levy upon	5	71
report of	6	71
statement of assessed	5	71
Violation:		
compulsory attendance:		
by parents or guardians	122	46
by school officers	125	48
by persons aiding or abetting violation of	126	48
for deaf and blind	130	49
Vote:		
for additional levy	9	73
for county superintendent; tie in	31	17
for longer school term	54	25
for members of district board; tie in	42	21
on school levy	5 d, e	71
Vocational Education:		
acceptance of federal act	131	50
custodian of funds	132	50
under control of state board of education	133	51
West Virginia:		
Collegiate institute	150	55
Industrial School for Boys	159	58

	Sec.	Page
certification of list and credits to county court—levy compelling payment	170	61
commitments	160	58
commitment fees	164	59
conveyances of youths to school—expenses	165	59
convicts	161	58
date accompanying commitment	162	58
list of inmates for auditor	169	60
offenses	166	60
payment by counties of cost of detention—reimbursement	168	60
parole	171	61
proceedings for commitment	163	59
transfers between school and penitentiary	167	60
Industrial Home for Girls:		
admission	173	61
binding out inmates as apprentices	177	62
cruelty to apprentices	178	63
date accompanying commitment—return and sentence	174	62
jurisdiction of apprentices—by circuit court—desertion	180	63
name—location	172	61
removal of apprentices—escapes	179	63
separation of races	176	62
trial on complaint	175	62
Schools for Deaf and Blind:		
admission	153	56
clothing	154	56
compensation for registration	158	58
course of instruction	156	57
name, location, management, purpose	152	56
period of attendance—special admissions	155	57
registration	157	57
Trades School:		
location and general provision for	149	55
University:		
admission and graduation of students	138	51
agricultural extension division	139	51
agricultural experiment station	144	53
anatomical board, use of dead bodies	145	53
colleges, schools, departments	137	51
endowment for agricultural college	142	53
extension in general	141	52
federal appropriations	143	53
military training	140	52
name, location, control	134	51
powers and duties of the president	135	51
president shall make biennial reports	136	51
White and Colored:		
pupils; constitutional provisions	XII, 8	6
statutory provision	67	31
Year:		
school	2	9
Youth:		
enumeration	91	38
enumeration of deaf and blind	130	49
school age	5	25

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